

---

**THE FUTURE OF U.S.-U.N. RELATIONS**  
**A Dialogue Between the U.S. Senate Committee**  
**on Foreign Relations and the U.N. Security Council**

---

**Visit of the U.S. Senate Committee on Foreign**  
**Relations to the United Nations**

January 20–21, 2000

Address Before the U.N. Security Council  
by Senator Jesse Helms, Chairman

Field Hearing:  
Implementation of U.N. Reforms

---

**Visit of the U.N. Security Council**  
**to the U.S. Senate**

March 30, 2000

Remarks Welcoming the U.N. Security Council  
by Senator Jesse Helms, Chairman

Roundtable Discussion with Members  
of the U.N. Security Council

---

Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web: <http://www.access.gpo.gov/congress/senate>



---

**THE FUTURE OF U.S.-U.N. RELATIONS**  
**A Dialogue Between the U.S. Senate Committee**  
**on Foreign Relations and the U.N. Security Council**

---

**Visit of the U.S. Senate Committee on Foreign**  
**Relations to the United Nations**

January 20–21, 2000

Address Before the U.N. Security Council  
by Senator Jesse Helms, Chairman

Field Hearing:  
Implementation of U.N. Reforms

**Visit of the U.N. Security Council**  
**to the U.S. Senate**

March 30, 2000

Remarks Welcoming the U.N. Security Council  
by Senator Jesse Helms, Chairman

Roundtable Discussion with Members  
of the U.N. Security Council

Printed for the use of the Committee on Foreign Relations



COMMITTEE ON FOREIGN RELATIONS

JESSE HELMS, North Carolina, *Chairman*

RICHARD G. LUGAR, Indiana

CHUCK HAGEL, Nebraska

GORDON H. SMITH, Oregon

ROD GRAMS, Minnesota

SAM BROWNBACK, Kansas

CRAIG THOMAS, Wyoming

JOHN ASHCROFT, Missouri

BILL FRIST, Tennessee

LINCOLN D. CHAFEE, Rhode Island

JOSEPH R. BIDEN, JR., Delaware

PAUL S. SARBANES, Maryland

CHRISTOPHER J. DODD, Connecticut

JOHN F. KERRY, Massachusetts

RUSSELL D. FEINGOLD, Wisconsin

PAUL D. WELLSTONE, Minnesota

BARBARA BOXER, California

ROBERT G. TORRICELLI, New Jersey

STEPHEN E. BIEGUN, *Staff Director*

EDWIN K. HALL, *Minority Staff Director*

(II)

## C O N T E N T S

ADDRESS BY SENATOR JESSE HELMS, CHAIRMAN, U.S. SENATE COMMITTEE ON FOREIGN RELATIONS, BEFORE THE UNITED NATIONS SECURITY COUNCIL, JANUARY 20, 2000

	Page
Text of Chairman Helms' Address .....	1

### FIELD HEARING ON IMPLEMENTATION OF UNITED NATIONS REFORM

Bolton, Hon. John, Vice President, American Enterprise Institute, Former Assistant Secretary of State For International Organization Affairs, Washington, DC .....	43
Prepared statement .....	45
Cooper, Michael, President, Bar Association of New York .....	13
Holbrooke, Ambassador Richard C., United States Permanent Representative to the United Nations .....	17
Prepared statement .....	21
Luck, Edward C., Executive Director, Center for the Study of International Organization, New York University School of Law and the Woodrow Wilson School of Princeton University, New York, NY .....	50
Prepared statement .....	53
Warner, Hon. John, A U.S. Senator from the Commonwealth of Virginia .....	39

### AN INFORMAL DISCUSSION AMONG MEMBERS OF THE COMMITTEE AND HON. DONALD HAYS, JOSEPH CONNOR, AND JOHN RUGGIE

Transcript of the discussion .....	67
------------------------------------	----

### APPENDIX

#### *Responses to Additional Questions Submitted for the Record by Members of the Committee*

Questions Submitted to the U.N. Secretariat	
From Senator Helms .....	81
From Senator Grams .....	88
Questions Submitted to Ambassador Holbrooke	
From Senator Helms .....	89
From Senator Grams .....	90
Questions Submitted to Donald Hays	
From Senator Helms .....	92

# IV

## *Responses to Additional Questions Submitted for the Record by Members of the Committee—CONTINUED*

Questions Submitted to John R. Bolton	
From Senator Helms .....	95
From Senator Grams .....	101
Additional Material Submitted by John R. Bolton	
Statement Submitted to the Committee on International Relations, U.S. House of Representatives, April 9, 1997 .....	104

---

## WELCOMING REMARKS BY HON. JESSE HELMS, DELIVERED IN THE OLD SENATE CHAMBER OF THE U.S. CAPITOL

Text of Chairman Helms' Welcoming Remarks .....	113
---	-----

## ROUNDTABLE DISCUSSION WITH MEMBERS OF THE UNITED NATIONS SECURITY COUNCIL: CRITICAL ISSUES BEFORE THE UNITED NATIONS

### OPENING STATEMENTS OF UNITED NATIONS PARTICIPANTS

His Excellency Arnaldo M. Listre, Permanent Representative of Argentina .....	153
His Excellency Anwarul Karim Chowdhury, Permanent Representative of the People's Republic of Bangladesh and March President, United Nations Security Council .....	119
His Excellency Robert R. Fowler, Permanent Representative of Canada .....	134
His Excellency Wang Yingfan, Permanent Representative of China .....	129
His Excellency Jean-David Levitte, Permanent Representative of France .....	150
Her Excellency Mignonette Patricia Durrant, Permanent Representative of Jamaica .....	147
His Excellency Agam Hasmy, Permanent Representative of Malaysia .....	151
His Excellency Moctar Ouane, Permanent Representative of the Republic of Mali .....	135
His Excellency Martin Andjaba, Permanent Representative of the Republic of Namibia .....	126
His Excellency Arnold Peter Van Walsum, Permanent Representative of the Netherlands .....	127
His Excellency Sergey V. Lavrov, Permanent Representative of the Russian Federation .....	148
His Excellency Said Ben Mustapha, Permanent Representative of Tunisia .....	141
His Excellency Volodymyr Y. Yel'chenko, Permanent Representative of Ukraine .....	131
His Excellency Sir Jeremy Quentin Greenstock, Permanent Representative of the United Kingdom .....	122
Hon. Richard Holbrooke, United States Representative To the United Na- tions .....	141

### OPENING STATEMENTS OF UNITED STATES SENATORS

Hon. Jesse Helms, U.S. Senator from North Carolina .....	116
Hon. Joseph R. Biden, Jr., U.S. Senator from Delaware .....	118
Hon. Rod Grams, U.S. Senator from Minnesota .....	120
Hon. Barbara Boxer, U.S. Senator from California .....	124
Hon. Paul D. Wellstone, U.S. Senator from Minnesota .....	128
Hon. Paul S. Sarbanes, U.S. Senator from Maryland .....	132
Hon. John Warner, U.S. Senator from Virginia .....	136
Hon. Carl S. Levin, U.S. Senator from Michigan .....	139
Hon. Gordon H. Smith, U.S. Senator from Oregon .....	145
Hon. Bill Frist, U.S. Senator from Tennessee .....	145

**ADDRESS BY SENATOR JESSE HELMS,  
CHAIRMAN,  
U.S. SENATE COMMITTEE ON  
FOREIGN RELATIONS,  
BEFORE THE UNITED NATIONS  
SECURITY COUNCIL**

---

**JANUARY 20, 2000**

MR. PRESIDENT, DISTINGUISHED AMBASSADORS, LADIES AND GENTLEMEN, I genuinely appreciate your welcoming me here this morning. You are distinguished world leaders and it is my hope that there can begin, this day, a pattern of understanding and friendship between you who serve your respective countries in the United Nations and those of us who serve not only in the United States Government but also the millions of Americans whom we represent and serve.

Our Ambassador Holbrooke is an earnest gentleman whom I respect, and I hope you will enjoy his friendship as I do. He has an enormous amount of foreign service in his background. He is an able diplomat and a genuine friend to whom I am most grateful for his role and that of the Honorable Irwin Belk, my longtime friend, in arranging my visit with you today.

All that said, it may very well be that some of the things I feel obliged to say will not meet with your immediate approval, if at all. It is not my intent to offend you and I hope I will not.

It is my intent to extend to you my hand of friendship and convey the hope that in the days to come, and in retrospect, we can join in a mutual respect that will enable all of us to work together in an atmosphere of friendship and hope—the hope to do everything we can to achieve peace in the world.

Having said all that, I am aware that you have interpreters who translate the proceedings of this body into a half dozen different languages. They have an interesting challenge today. As some of you may have detected, I don't have a Yankee accent. (I hope you have a translator here who can speak Southern—someone who can translate words like "y'all" and "I do declare.")

It may be that one other language barrier will need to be overcome this morning. I am not a diplomat, and as such, I am not fully conversant with the elegant and rarefied language of the diplomatic trade. I am an elected official, with something of a reputation for saying what I mean and meaning what I say. So I trust

you will forgive me if I come across as a bit more blunt than those you are accustomed to hearing in this chamber.

I am told that this is the first time that a United States Senator has addressed the U.N. Security Council. I sincerely hope it will not be the last. It is important that this body have greater contact with the elected representatives of the American people, and that we have greater contact with you.

In this spirit, tomorrow I will be joined here at the U.N. by several other members of the Senate Foreign Relations Committee. Together, we will meet with UN officials and representatives of some of your governments, and will hold a Committee "Field Hearing" to discuss U.N. reform and the prospects for improved U.S.-U.N. relations.

This will mark another first. Never before has the Senate Foreign Relations Committee ventured as a group from Washington to visit an international institution. I hope it will be an enlightening experience for all of us, and that you will accept this visit as a sign of our desire for a new beginning in the U.S.-U.N. relationship.

I hope—I intend—that my presence here today will presage future annual visits by the Security Council, who will come to Washington as official guests of the United States Senate and the Senate's Foreign Relations Committee which I chair.

I trust that your representatives will feel free to be as candid in Washington as I will try to be here today so that there will be hands of friendship extended in an atmosphere of understanding.

If we are to have such a new beginning, we must endeavor to understand each other better. And that is why I will share with you some of what I am hearing from the American people about the United Nations.

Now I am confident you have seen the public opinion polls, commissioned by U.N. supporters, suggesting that the U.N. enjoys the support of the American public. I would caution that you not put too much confidence in those polls. Since I was first elected to the Senate in 1972, I have run for re-election four times. Each time, the pollsters have confidently predicted my defeat. Each time, I am happy to confide, they have been wrong. I am pleased that, thus far, I have never won a poll or lost an election.

So, as those of you who represent democratic nations well know, public opinion polls can be constructed to tell you anything the poll takers want you to hear.

Let me share with you what the American people tell me. Since I became chairman of the Foreign Relations Committee, I have received literally thousands of letters from Americans all across the country expressing their deep frustration with this institution.



They know instinctively that the U.N. lives and breathes on the hard-earned money of the American taxpayers. And yet they have heard comments here in New York constantly calling the United States a “deadbeat.”

They have heard U.N. officials declaring absurdly that countries like Fiji and Bangladesh are carrying America’s burden in peace-keeping.

They see the majority of the U.N. members routinely voting against America in the General Assembly.

They have read the reports of the raucous cheering of the U.N. delegates in Rome, when U.S. efforts to amend the International Criminal Court treaty to protect American soldiers were defeated.

They read in the newspapers that, despite all the human rights abuses taking place in dictatorships across the globe, a U.N. “Special Rapporteur” decided his most pressing task was to investigate human rights violations in the U.S.—and found our human rights record wanting.

The American people hear all this; they resent it, and they have grown increasingly frustrated with what they feel is a lack of gratitude.

Now I won’t delve into every point of frustration, but let’s touch for just a moment on one—the “deadbeat” charge. Before coming here, I asked the United States General Accounting Office to assess just how much the American taxpayers contributed to the United Nations in 1999. Here is what the GAO reported to me:

Last year, the American people contributed a total of more than \$1.4 billion dollars to the U.N. system in assessments and voluntary contributions. That’s pretty generous, but it’s only the tip of the iceberg. The American taxpayers also spent an additional *eight billion, seven hundred and seventy nine million dollars* from the United States’ military budget to support various U.N. resolutions and peacekeeping operations around the world. Let me repeat that figure: *eight billion, seven hundred and seventy nine million dollars*.

That means that last year (1999) alone, the American people have furnished precisely *ten billion, one hundred and seventy nine million dollars* to support the work of the United Nations. No other nation on earth comes even close to matching that singular investment.

So you can see why many Americans reject the suggestion that theirs is a “deadbeat” nation.

Now, I grant you, the money we spend on the U.N. is not charity. To the contrary, it is an investment—an investment from which

the American people rightly expect a return. They expect a reformed U.N. that works more efficiently, and which respects the sovereignty of the United States.

That is why in the 1980s, Congress began withholding a fraction of our arrears as pressure for reform. And Congressional pressure resulted in some worthwhile reforms, such as the creation of an independent U.N. Inspector General and the adoption of consensus budgeting practices. But still, the arrears accumulated as the U.N. resisted more comprehensive reforms.

When the distinguished Secretary General, Kofi Annan, was elected, some of us in the Senate decided to try to establish a working relationship. The result is the Helms-Biden law, which President Clinton finally signed into law this past November. The product of three years of arduous negotiations and hard-fought compromises, it was approved by the U.S. Senate by an overwhelming 98–1 margin. You should read that vote as a virtually unanimous mandate for a new relationship with a reformed United Nations.

Now I am aware that this law does not sit well with some here at the U.N. Some do not like to have reforms dictated by the U.S. Congress. Some have even suggested that the U.N. should reject these reforms.

But let me suggest a few things to consider: First, as the figures I have cited clearly demonstrate, the United States is the single largest investor in the United Nations. Under the U.S. Constitution, we in Congress are the sole guardians of the American taxpayers' money. (It is our solemn duty to see that it is wisely invested.) So as the representatives of the U.N.'s largest investors—the American people—we have not only a right, but a responsibility, to insist on specific reforms in exchange for their investment.

Second, I ask you to consider the alternative. The alternative would have been to continue to let the U.S.–U.N. relationship spiral out of control. You would have taken retaliatory measures, such as revoking America's vote in the General Assembly. Congress would likely have responded with retaliatory measures against the U.N. And the end result, I believe, would have been a breach in U.S.–U.N. relations that would have served the interests of no one.

Now some here may contend that the Clinton Administration should have fought to pay the arrears without conditions. I assure you, had they done so, they would have lost.

Eighty years ago, Woodrow Wilson failed to secure Congressional support for U.S. entry into the League of Nations. This administration obviously learned from President Wilson's mistakes.

Wilson probably could have achieved ratification of the League of Nations if he had worked with Congress. One of my predecessors

as Chairman of the Senate Foreign Relations Committee, Henry Cabot Lodge, asked for 14 conditions to the treaty establishing the League of Nations, few of which would have raised an eyebrow today. These included language to insure that the United States remain the sole judge of its own internal affairs; that the League not restrict any individual rights of U.S. citizens; that the Congress retain sole authority for the deployment of U.S. forces through the league, and so on.

But President Wilson indignantly refused to compromise with Senator Lodge. He shouted, "Never, never!", adding, "I'll never consent to adopting any policy with which that impossible man is so prominently identified!" What happened? President Wilson lost. The final vote in the Senate was 38 to 53, and League of Nations withered on the vine.

Ambassador Holbrooke and Secretary of State Albright understood from the beginning that the United Nations could not long survive without the support of the American people—and their elected representatives in Congress. Thanks to the efforts of leaders like Ambassador Holbrooke and Secretary Albright, the present Administration in Washington did not repeat President Wilson's fatal mistakes.

In any event, Congress has written a check to the United Nations for \$926 million, payable upon the implementation of previously agreed-upon common-sense reforms. Now the choice is up to the U.N. I suggest that if the U.N. were to reject this compromise, it would mark the beginning of the end of U.S. support for the United Nations.

I don't want that to happen. I want the American people to value a United Nations that recognizes and respects their interests, and for the United Nations to value the significant contributions of the American people. Let's be crystal clear and totally honest with each other: all of us want a more effective United Nations. But if the United Nations is to be "effective" it must be an institution that is needed by the great democratic powers of the world.

Most Americans do not regard the United Nations as an end in and of itself—they see it as just one part of America's diplomatic arsenal. To the extent that the U.N. is effective, the American people will support it. To the extent that it becomes ineffective—or worse, a burden—the American people will cast it aside.

The American people want the U.N. to serve the purpose for which it was designed: they want it to help sovereign states coordinate collective action by "coalitions of the willing," (where the political will for such action exists); they want it to provide a forum where diplomats can meet and keep open channels of communica-

tion in times of crisis; they want it to provide to the peoples of the world important services, such as peacekeeping, weapons inspections and humanitarian relief.

This is important work. It is the core of what the U.N. can offer to the United States and the world. If, in the coming century, the U.N. focuses on doing these core tasks well, it can thrive and will earn and deserve the support of the American people. But if the U.N. seeks to move beyond these core tasks, if it seeks to impose the U.N.'s power and authority over nation-states, I guarantee that the United Nations will meet stiff resistance from the American people.

As matters now stand, many Americans sense that the U.N. has greater ambitions than simply being an efficient deliverer of humanitarian aid, a more effective peacekeeper, a better weapons inspector, and a more effective tool of great power diplomacy. They see the U.N. aspiring to establish itself as the central authority of a new international order of global laws and global governance. This is an international order the American people will not countenance.

The U.N. must respect national sovereignty. The U.N. serves nation-states, not the other way around. This principle is central to the legitimacy and ultimate survival of the United Nations, and it is a principle that must be protected.

The Secretary General recently delivered an address on sovereignty to the General Assembly, in which he declared that "the last right of states cannot and must not be the right to enslave, persecute or torture their own citizens." The peoples of the world, he said, have "rights beyond borders."

I wholeheartedly agree.

What the Secretary General calls "rights beyond borders," we in America call "inalienable rights." We are endowed with those "inalienable rights," as Thomas Jefferson proclaimed in our Declaration of Independence, not by kings or despots, but by our Creator.

The sovereignty of nations must be respected. But nations derive their sovereignty—their legitimacy—from the consent of the governed. Thus, it follows, that nations can lose their legitimacy when they rule without the consent of the governed; they deservedly discard their sovereignty by brutally oppressing their people.

Slobodan Milosevic cannot claim sovereignty over Kosovo when he has murdered Kosovars and piled their bodies into mass graves. Neither can Fidel Castro claim that it is his sovereign right to oppress his people. Nor can Saddam Hussein defend his oppression of the Iraqi people by hiding behind phony claims of sovereignty.

And when the oppressed peoples of the world cry out for help, the free peoples of the world have a fundamental right to respond.

As we watch the U.N. struggle with this question at the turn of the millennium, many Americans are left exceedingly puzzled. Intervening in cases of widespread oppression and massive human rights abuses is not a new concept for the United States. The American people have a long history of coming to the aid of those struggling for freedom. In the United States, during the 1980s, we called this policy the “Reagan Doctrine.”

In some cases, America has assisted freedom fighters around the world who were seeking to overthrow corrupt regimes. We have provided weaponry, training, and intelligence. In other cases, the United States has intervened directly. In still other cases, such as in Central and Eastern Europe, we supported peaceful opposition movements with moral, financial and covert forms of support. In each case, however, it was America’s clear intention to help bring down Communist regimes that were oppressing their peoples—and thereby replace dictators with democratic governments.

The dramatic expansion of freedom in the last decade of the 20th century is a direct result of these policies.

In none of these cases, however, did the United States ask for, or receive, the approval of the United Nations to “legitimize” its actions.

It is a fanciful notion that free peoples need to seek the approval of an international body (some of whose members are totalitarian dictatorships) to lend support to nations struggling to break the chains of tyranny and claim their inalienable, God-given rights.

The United Nations has no power to grant or decline legitimacy to such actions. They are inherently legitimate.

What the United Nations can do is help. The Security Council can, where appropriate, be an instrument to facilitate action by “coalitions of the willing,” implement sanctions regimes, and provide logistical support to states undertaking collective action.

But complete candor is imperative: The Security Council has an exceedingly mixed record in being such a facilitator. In the case of Iraq’s aggression against Kuwait in the early 1990s, it performed admirably; in the more recent case of Kosovo, it was paralyzed. The U.N. peacekeeping mission in Bosnia was a disaster, and its failure to protect the Bosnian people from Serb genocide is well documented in a recent U.N. report.

And, despite its initial success in repelling Iraqi aggression, in the years since the Gulf War, the Security Council has utterly failed to stop Saddam Hussein’s drive to build instruments of mass murder. It has allowed him to play a repeated game of expelling

UNSCOM inspection teams which included Americans, and has left Saddam completely free for the past year to fashion nuclear and chemical weapons of mass destruction.

I am here to plead that from now on we all must work together, to learn from past mistakes, and to make the Security Council a more efficient and effective tool for international peace and security. But candor compels that I reiterate this warning: the American people will never accept the claims of the United Nations to be the “sole source of legitimacy on the use of force” in the world.

But, some may respond: the U.S. Senate ratified the U.N. Charter fifty years ago. Yes, but in doing so we did not cede one syllable of American sovereignty to the United Nations. Under our system, when international treaties are ratified, they simply become domestic U.S. law. As such, they carry no greater or lesser weight than any other domestic U.S. law. Treaty obligations can be superseded by a simple act of Congress. This was the intentional design of our founding fathers, who cautioned against entering into “entangling alliances.”

Thus, when the United States joins a treaty organization, it holds no legal authority over us. We abide by our treaty obligations because they are the domestic law of our land, and because our elected leaders have judged that the agreement serves our national interest. But no treaty or law can ever supersede the one document that all Americans hold sacred: The U.S. Constitution.

The American people do not want the United Nations to become an “entangling alliance.” That is why Americans look with alarm at U.N. claims to a monopoly on international moral legitimacy. They see this as a threat to the God-given freedoms of the American people, a claim of political authority over America and its elected leaders without their consent.

The effort to establish a United Nations International Criminal Court is a case-in-point. Consider: the Rome Treaty purports to hold American citizens under its jurisdiction—even when the United States has neither signed nor ratified the treaty. In other words, it claims sovereign authority over American citizens without their consent. How can the nations of the world imagine for one instant that Americans will stand by and allow such a power-grab to take place?

The Court’s supporters argue that Americans should be willing to sacrifice some of their sovereignty for the noble cause of international justice. International law did not defeat Hitler, nor did it win the Cold War. What stopped the Nazi march across Europe, and the Communist march across the world, was the principled projection of power by the world’s great democracies. And that

principled projection of force is the only thing that will ensure the peace and security of the world in the future.

More often than not, “international law” has been used as a make-believe justification for hindering the march of freedom. When Ronald Reagan sent American servicemen into harm’s way to liberate Grenada from the hands of a communist dictatorship, the U.N. General Assembly responded by voting to condemn the action of the elected President of the United States as a violation of international law—and, I am obliged to add, they did so by a larger majority than when Soviet invasion of Afghanistan was condemned by the same General Assembly!

Similarly, the U.S. effort to overthrow Nicaragua’s Communist dictatorship (by supporting Nicaragua’s freedom fighters and mining Nicaragua’s harbors) was declared by the World Court as a violation of international law.

Most recently, we learn that the chief prosecutor of the Yugoslav War Crimes Tribunal has compiled a report on possible NATO war crimes during the Kosovo campaign. At first, the prosecutor declared that it is fully within the scope of her authority to indict NATO pilots and commanders. When news of her report leaked, she back pedaled.

She realized, I am sure, that any attempt to indict NATO commanders would be the death knell for the International Criminal Court. But the very fact that she explored this possibility at all brings to light all that is wrong with this brave new world of global justice, which proposes a system in which independent prosecutors and judges, answerable to no state or institution, have unfettered power to sit in judgment of the foreign policy decisions of Western democracies.

No U.N. institution—not the Security Council, not the Yugoslav tribunal, not a future ICC—is competent to judge the foreign policy and national security decisions of the United States. American courts routinely refuse cases where they are asked to sit in judgment of our government’s national security decisions, stating that they are not competent to judge such decisions. If we do not submit our national security decisions to the judgment of a Court of the United States, why would Americans submit them to the judgment of an International Criminal Court, a continent away, comprised of mostly foreign judges elected by an international body made up of the membership of the U.N. General Assembly?

Americans distrust concepts like the International Criminal Court, and claims by the U.N. to be the “sole source of legitimacy” for the use of force, because Americans have a profound distrust of accumulated power. Our founding fathers created a government

founded on a system of checks and balances, and dispersal of power.

In his 1962 classic, *Capitalism and Freedom*, the Nobel-prize winning economist Milton Friedman rightly declared:

[G]overnment power must be dispersed. If government is to exercise power, better in the county than in the state, better in the state than in Washington. [Because] if I do not like what my local community does, I can move to another local community ... [and] if I do not like what my state does, I can move to another. [But] if I do not like what Washington imposes, I have few alternatives in this world of jealous nations.

Forty years later, as the U.N. seeks to impose its utopian vision of “international law” on Americans, we can add this question: Where do we go when we don’t like the “laws” of the world?

Today, while our friends in Europe concede more and more power upwards to supra-national institutions like the European Union, Americans are heading in precisely the opposite direction.

America is in a process of reducing centralized power by taking more and more authority that had been amassed by the Federal government in Washington and referring it to the individual states where it rightly belongs.

This is why Americans reject the idea of a sovereign United Nations that presumes to be the source of legitimacy for the United States Government’s policies, foreign or domestic. There is only one source of legitimacy of the American government’s policies—and that is the consent of the American people.

If the United Nations is to survive into the 21st century, it must recognize its limitations. The demands of the United States have not changed much since Henry Cabot Lodge laid out his conditions for joining the League of Nations 80 years ago: Americans want to ensure that the United States of America remains the sole judge of its own internal affairs, that the United Nations is not allowed to restrict the individual rights of U.S. citizens, and that the United States retains sole authority over the deployment of United States forces around the world.

This is what Americans ask of the United Nations; it is what Americans expect of the United Nations. A United Nations that focuses on helping sovereign states work together is worth keeping; a United Nations that insists on trying to impose a utopian vision on America and the world will collapse under its own weight.

If the United Nations respects the sovereign rights of the American people, and serves them as an effective tool of diplomacy, it



will earn and deserve their respect and support. But a United Nations that seeks to impose its presumed authority on the American people without their consent begs for confrontation and, I want to be candid, eventual U.S. withdrawal.

Thank you very much.



## **FIELD HEARING ON IMPLEMENTATION OF UNITED NATIONS REFORM**

**FRIDAY, JANUARY 21, 2000**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*New York, NY.*

The committee met, pursuant to notice, at 2:15 p.m. at the offices of the Bar Association of New York, 42 West 44th Street, Grand Hall, New York, New York, Hon. Jesse A. Helms, chairman of the committee, presiding.

Present: Senators Helms, Hagel, Grams, Biden, and Feingold.

Also Present: Senator Warner.

The CHAIRMAN. It is a little strange for a southerner to say this in New York City, but the committee will come to order, and we are glad to hear from the president of this distinguished organization, Mr. Michael Cooper, who is president of the Association of the Bar. Mr. Cooper.

### **STATEMENT OF MICHAEL COOPER, PRESIDENT, BAR ASSOCIATION OF NEW YORK**

Mr. COOPER. Thank you, Senator Helms. It is a great honor for us to have you and the other distinguished members of the committee on Foreign Relations here today, and also to have as our guests delegates to the United Nations and other members of the diplomatic community.

This is the first time in the 130 years of this association that a committee of the U.S. Senate has met here. We are honored that you are meeting here today, and we believe it is singularly appropriate that you do so, because the association has long had a concern with the United Nations and its relations with the United States as a member Nation.

Thank you.

The CHAIRMAN. Thank you, sir. I believe you said it is 138 years?

Mr. COOPER. 130 years, 1870.

The CHAIRMAN. I believe Strom Thurmond was here at the last one. [Laughter.]

The CHAIRMAN. Well, thank you very much, sir.

This field hearing of the Foreign Relations Committee will come to order today, as I say, and our purpose today is to examine prospects for improving the United Nations' financial position.

Now, never before, as indicated, has this committee, the Foreign Relations Committee of the U.S. Senate, visited as a group an international institution, and I hope the Senators will consider it enlightening, and that the United Nations will regard this visit as a sign of our desire for a new beginning in the U.S.-U.N. relationship. And, while on that point, our first witness is going to be the distinguished Ambassador to the United Nations, Mr. Richard Holbrooke; and I want to commend him and all the members of his staff who have worked so diligently, and many long hours, and they do not pay overtime, to make this a good meeting.

We have two panels to explore the U.N.'s reform efforts and American interest at the United Nations. First, the U.S. Permanent Representative to the United Nations, Mr. Holbrooke, will testify and respond to inquiries, aided by his assistant for management and reform, Ambassador Donald Hays, who has been squiring me around for the last 48 hours.

On the second panel we will have John Bolton, a long-time friend of ours, Senior Vice President of the American Enterprise Institute and former Assistant Secretary of State for International Organization Affairs; and Edward Luck, Executive Director of the Center for the Study of International Organizations, affiliated with the New York University Law School and Princeton's Woodrow Wilson School.

They will discuss the U.N.'s proper role and peacekeeping activities, and later, after the formal hearing, and we recess, we will hear from the Under Secretary General for Management, Joseph Connor, and the Special Advisor to the Secretary General, John Ruggie.

Now, before Ambassador Holbrooke begins, I turn to my good friend, cohort, and the distinguished Ranking Member of the Foreign Relations Committee, Senator Biden of Delaware.

[The prepared statement of Chairman Helms follows:]

#### PREPARED STATEMENT OF CHAIRMAN HELMS

I want to thank the President of the Association of the Bar, Michael Cooper, for providing this stately room for a hearing.

This Field Hearing of the Foreign Relations Committee will come to order and our purpose today is to examine prospects for improving the United Nations financial position.

The American taxpayers feel that the U.N. lives and breathes on the hard-earned money of working Americans.

They resent comments made here in New York suggesting that the United States is a "deadbeat." They are aware that the majority of the U.N. members routinely vote against the U.S. position in the General Assembly.

They read and hear in the news that, despite all the human rights abuses taking place in dictatorships across the globe, a U.N. "Special Rapporteur" sometime back decided that the most important task on his agenda was to investigate human rights violations in the U.S. He did an investigation of sorts and confirmed a feeling that he had to begin with—that the U.S. Human rights record was found wanting.

The American people have heard all of this and they have grown increasingly irritated.

As for the "deadbeat" charge, I asked the General Accounting Office to assess just how much the American taxpayers contributed to the United Nations in 1999 (last year). The GAO reported to me that in 1999, the American people contributed a total of more than \$1.4 billion dollars to the U.N. system in assessments and voluntary contributions.

The American taxpayers spent an additional eight billion, seven hundred and seventy nine million dollars from the U.S. military budget to support various U.N. resolutions and peacekeeping operations around the world. So, last year (1999) alone, the American people furnished Ten Billion, One Hundred and Seventy Nine Million Dollars to support the work of the United Nations. No other nation on earth comes anywhere close to matching that amount paid to the U.N.

When the distinguished Secretary General, Kofi Annan, was first elected, several of us on this Committee decided to try to establish a working relationship, the result being the Helms-Biden law, which the President finally got around to signing into law this past November.

The product of three years of negotiations and hard-fought compromises, it was approved by the U.S. Senate by a 98–1 margin. Congress has written a check to the United Nations for \$926 million, payable upon the implementation of previously agreed-upon common-sense reforms.

So, we will address three subjects at this hearing. First, we will hear how reforms required by the Helms-Biden law are being implemented, including most notably, a sweeping readjustment of the scale of member nations financial contributions, in the spirit of burden-sharing.

Second, we will look at how reform can be carried forward in the regular course of business at the U.N. reforms need to be sustained by constant monitoring and the measurement of success throughout the U.N. system. Redundancy in that system must be reined in; for instance, in Guatemala, there are 18 different U.N. programs in operation.

Third, with reforms launched and arrears paid, we can then turn to the subject of promoting U.S. interests on policy matters at the U.N.

Never before has the Senate Foreign Relations Committee, as a group, visited an international institution. I hope Senators will consider it enlightening, and that the U.N. will regard this visit as a sign of our desire for a new beginning in the U.S.–U.N. relationship.

We have scheduled two panels to explore U.N. reform efforts and American interests at the U.N. First, the U.S. Permanent Representative to the U.N., Richard Holbrooke, will testify and respond to queries aided by his assistant for management and reform, Ambassador Donald Hays.

On the second panel, we will hear from John Bolton, Senior Vice President of the American Enterprise Institute and former Assistant Secretary of State for International Organization Affairs—and from Edward Luck, Executive Director of the Center for the Study of International Organization, affiliated with the New York University Law School and Princeton's Woodrow Wilson School. They will discuss the U.N.'s proper role and peacekeeping activities with them.

Later, after the formal hearing recesses, we will hear from the Under-Secretary General for Management, Joseph Connor, and the Special Advisor to the Secretary General, John Ruggie.

Before Ambassador Holbrooke testifies, I turn to the distinguished ranking member, Senator Biden.

Senator BIDEN. Well, Mr. Chairman, I thank you. I thought the president was going to move your admission to the New York Bar. Having attended law school in the State of New York, I always thought I would be spending more time here than in my home State, and it turned out, fortunately for the bar, I went home, but it is an honor to be here.

Let me just say that as a lawyer and member of the bar I consider this one of the most distinguished and honored organizations in the country, and I appreciate the opportunity to be here.

But Mr. Chairman, I want to thank you. You and I have worked long and hard, with your leadership, to breach an impasse that began to, I think, impact on the security interests of the United States of America, and that is the impasse reached over whether we could reach an accommodation on funding requirements of the United States to the U.N.

The fact that I was pushing that idea for a long time came as no surprise, and was not, quite frankly, of much relevance. The fact that you decided that this was an important undertaking was incredibly relevant, because you have and do represent and are the most respected and outspoken voice in the Senate on matters that reflect a more conservative point of view.

The United Nations has never been the darling of certain sectors of our political environment, and your leadership has been significant. It is a term that is overused, but I do think that it is a start, not merely because it is the first time in 130-plus years there has been a committee to ever hold a hearing here, but I think—I have been in the U.S. Senate—you and I came the same day, on the same year, were sworn in at the same time, 1972.

I imagine we have had field hearings somewhere else, but if we have I do not know where, and I do not remember having any in this city, and your discussion and frank appraisal of your point of view with the U.N. Security Council yesterday, I think quite frankly benefited everyone.

You and I, as we both know, as close friends, we may disagree on how much of a threat to our sovereignty the United Nations is—I think it is not a threat at all. I understand your point of view. We disagreed on a number of things. I did not think we should have as many conditions, and you did not think we should have as much money, but we worked it out.

We worked it out, and hopefully this is the beginning of a new chapter in U.S.-U.N. relations. But I just want to say for the record it is because of your willingness to take the steps you have taken, and they have been significant, and I will end where I began. When I saw you this morning for the first time since Christmas, and I said, this was vintage Jesse Helms.

By that, I mean that you did not trim your sails at all in terms of what your ideological point of view was, but what you did was, you commanded the stage and you changed the dialog and you changed the form, and that is what I meant by vintage Jesse Helms, and for that I thank you. I can think of no two people who are more independent and move to the sound of their own drummers more than you and the Ambassador before us, who I consider a very close personal friend.

The idea that—I think you are becoming the—I used to say that Strom Thurmond and I were the ultimate odd couple in the Senate, because we like each other so much. Well, I think they are going to start talking about Holbrooke and Helms, or Helms and Holbrooke as the ultimate odd couple, but I am glad you are both in the positions you are in, and I want to again thank you and thank the bar for your hospitality today.

The CHAIRMAN. Well said, Joe.

Now, Mr. Ambassador, it is up to you, and thank you for all you have done.

**STATEMENT OF AMBASSADOR RICHARD C. HOLBROOKE,  
UNITED STATES PERMANENT REPRESENTATIVE TO THE  
UNITED NATIONS, ACCOMPANIED BY HON. DONALD HAYS,  
U.S. REPRESENTATIVE TO THE UNITED NATIONS FOR  
UNITED NATIONS MANAGEMENT AND REFORM, NEW YORK,  
N.Y.**

Ambassador HOLBROOKE. Thank you, Mr. Chairman, Senator Biden, Senator Warner, Senator Hagel, Senator Grams, Senator Feingold. I want to welcome you to my home town. I look forward to visiting yours next month, Mr. Chairman, and then after that we can compare who has the better restaurants and nicer hotels, but I am glad that you are back in the city. I hope I am not revealing—

Senator BIDEN. You did not say compare hospitality. You may lose on that one.

Ambassador HOLBROOKE [continuing]. I will lose that, but I hope I am not betraying a confidence when I say, welcome back to the city you spent your honeymoon in, with your wife and your daughters. [Laughter.]

I think the audience misunderstood me. I understand that you spent your honeymoon with your wife, but she is back here with you today, and that is what I meant. [Laughter.]

The CHAIRMAN. I am glad about both times, to tell you the truth.

Ambassador HOLBROOKE. So I also want to especially pay tribute to the fact that not just one but the two most important committee chairman dealing with our national security are here today, and my special appreciation, as always, to Senator Warner, who presented me to your committee for confirmation, and whose friendship and advice I treasure profoundly.

I am accompanied today by, as you so kindly put it, most of our team, but particularly, sitting right behind me, Ambassador Don Hays, one of the really strongest experts in management in the State Department who your and Senator Grams' speedy confirmation has permitted us to make great inroads on the management issue.

I would also like to note that Assistant Secretary of State Barbara Larkin is here with us from Washington, who you all know so well, and behind me are a very considerable number of Ambassadors from the U.N. who, apparently having enjoyed the remarkable lunch we just had, decided to come downtown to keep going.

I have a prepared statement, Mr. Chairman.

The CHAIRMAN. Mr. Ambassador, let us have the visiting Ambassadors stand, if they will. Will the General Assembly of the United Nations be in order. [Laughter.] [Applause.]

Ambassador HOLBROOKE. So I see all continents are represented back there, and I am just delighted.

Mr. Chairman, I have a prepared statement which I would like to submit for the record and then just make a few general remarks, if I might.

The CHAIRMAN. Very well.

Ambassador HOLBROOKE. You just used the phrase, a new beginning, Senator Biden just used the phrase, a new chapter, and here we are in the first month of a new century. Yesterday, in this remarkable and unprecedented meeting with the Security Council, at least four or five Ambassadors publicly used the word historic, so if they did, let me at least quote them and say that I think that we did something remarkable here and, like Senator Biden, I want to thank you for leading the committee here.

For the benefit of the audience, I should also say that a very large number of Senators on this committee who could not be here called and asked to be remembered. They all understood the importance of this event.



And I would like to put into the record my own feelings about the last 2 days. First of all, a special tribute to Irwin Belk from North Carolina, a public member of the U.S. delegation of the General Assembly, who is from North Carolina, and who has played an indispensable role in making this happen, and will be our host tonight at another unprecedented event, a reception in honor of the committee and the Security Council, a joint reception dinner.

Second, simply to try to clarify what I think is happening here—and I say I think, Mr. Chairman, because it is a work in progress—if you look back over the history of the United Nations since the end of the cold war, we can already see three distinct phases. In the first phase, from the fall of the Berlin Wall through the next 3 or 4 years, I think there was an overextension of U.N. peacekeeping without its mandates being clearly defined. It got overextended. It ran into horrendous problems in three places very quickly, sequentially, Somalia in 1993, Rwanda in 1994, and Bosnia in 1992 to 1995.

That catastrophe, which cost countless lives, millions of lives lost on two continents, a tremendous amount of money, also led to the inevitable departure of the incumbent Secretary General of the U.N. at the time, a withdrawal from peacekeeping by the United Nations, a withdrawal of the United States from involvement with the United Nations, which your committee reflected, and which was symbolized to me by a very personal incident.

When the Dayton peace talks began in November 1995, the U.N. called us up and asked if they could have a representative present, and it took me just about 1 nanosecond to tell them they were not welcome at Dayton. We did not want the U.N. at Dayton, they did not deserve to be there, they would have mucked it up, and we went on and did the Dayton peace agreements without the U.N.; it was a pretty low point.

That was phase 1, and phase 2. Phase 1, an involvement which was not thought out, phase 2, a withdrawal.

We are now clearly in a third phase, a phase in which, under your leadership, the United States has made available to the U.N. \$926 million toward the arrears, while continuing to make tremendous contributions in other areas. We were always, even at the height of the arrears crisis, which is now well behind us, we were always the largest contributor to the U.N.

We were never a dead-beat. I noticed you mentioned that yesterday. I want to assure you that no member of the State Department ever used that phrase. Many of your colleagues brought it up with me last fall. It may have been used by some private citizen, or

some outside observer, but we were never dead-beats. We were the largest contributor even when we were in arrears.

But you and Senator Biden and your colleagues solved that, and put on it some benchmarks which are controversial, but let us look at the record. We have already fulfilled three of them, three big ones. Some of the others are quite—we had already fulfilled.

Secretary Albright and I have worked very hard to work with the Congress on this issue. She has worked in capitals and I have worked in New York on these issues.

Senator Grams and his staff have been in constant touch with Ambassador Hays and myself on every detail, and as a result of this I think the United States position at the U.N. was already improving prior to your arrival in New York yesterday.

Now, it is too early to tell the full impact of your trip to New York. This is a work in progress, and I told Nightline last night it was half-time. Now it is sort of the third quarter, but I think it is clear, by the reaction of the U.N. and the extraordinary fact that so many of my cherished colleagues have come here to see you again, this is a—I looked back here and I saw instantly—I do not want to insult anybody.

I saw Australia, Mexico, other major countries are represented here by their Ambassadors, and many missions are represented by people just below the Ambassador level. It is clear that the message has gotten through, and the message is clear. You have made it clear you are not anti-U.N. You have a view of the United Nations, and you want the U.N. to succeed on your terms, and just as your committee has a range of views, it is now, I think, going to be much better understood by the Ambassadors.

And I want to say to the people who were not at lunch that they should have seen Ambassador after Ambassador lining up to meet every one of the Senators and unanimously saying, I may not agree with everything you said, but your trip here is a break-through and we appreciate it, and we now understand more clearly what the Helms-Biden bill is all about. This lays a much better basis, Mr. Chairman, for the actual work of promoting American foreign policy through the U.N.

Now, I would sum up the U.N. in three words, from an American point of view. Flawed, but indispensable. It is hard to imagine, as Senator Biden said earlier today, it is hard to imagine the world today being better off if the U.N. did not exist, and yet it is simultaneously impossible to dispute the fact that the United Nations, for a lot of bureaucratic reasons, political reasons, leadership reasons in the past, prior to Secretary General Kofi Annan taking

over, can be vastly improved, and that is what we are doing, and that is what your presence here today will advance.

I know you have a vast agenda of specific issues you want to cover, substantive policy issues which I will withhold for the questions and answers, but I do want to say that if you talk about a new beginning, if Senator Biden talks about a new chapter, if dozens of Permanent Representatives talk about historic, I speak for both Secretary Albright and myself, we are proud to be part of the process.

One last thing, Mr. Chairman. I have heard rumors this is an election year, and I think that we should all note that it is even more remarkable and important that we are meeting in the first month of a year in which we will choose a new President and a majority of the Members of Congress. I hope the world understands the message here, that politics goes on, but we are knitting together the core of a bipartisan foreign policy within which there are significant disagreements, significant. You and Senator Biden have aired them publicly many times.

But the world should see what is going on here, and your coming to New York and then inviting the Security Council to come to Washington is a most remarkable statement, and I thank you for it on behalf of the President, with whom I talked the day before yesterday, President Clinton was extremely pleased at this hearing, and asked to be remembered to the committee—and on behalf of Secretary Albright, with whom Barbara Larkin talked just a few moments ago.

So I thank you very much for doing this for us, and I am ready to respond to any questions that you and your committee and Senator Warner may have.

[The prepared statement of Ambassador Holbrooke follows:]

#### PREPARED STATEMENT OF AMBASSADOR HOLBROOKE

Mr. Chairman, Senators: thank you for this opportunity to appear before your committee today. I would like to welcome all of you to New York. I am deeply honored to be the lead witness in this unprecedented “field hearing” of your committee, and look forward to discussing with all of you how, together, we can move forward to advance U.S. interests at the United Nations, and make the U.N. a more effective institution.

As I stated during my confirmation hearings last June, and expressed again the last time I had the privilege to appear before you in November, I believe that close consultations with the Congress are essential. U.S. national interests are best served when the Executive Branch and Congress work in a bipartisan spirit. I particularly appreciate the close relationship that has developed between members of this committee and myself and my team here in New York. Your trip here is only a beginning for an enhanced partnership between the committee and the U.S. mission to the U.N., as well as for the U.S.–UN relationship overall.

Since the passage of the Helms-Biden legislation three months ago, the United States' relationship with the United Nations has undergone a dramatic, critical transformation. Mr. Chairman, yesterday's Security Council meeting, and today's special "field hearing," opens a new beginning for the U.S.-U.N. relations. As we heard from many of my fellow Permanent Representatives yesterday, for the U.N. to succeed, American leadership is essential. To my mind, there is no better example of the imperative for American leadership in the U.N. than this month's focus on Africa. Already, we've placed a new security focus on the scourge of AIDS and its effects on fomenting instability, addressed the plight of refugees and IDPs, pressed for peace in Angola and heard from former President Mandela on his vision for reconciliation in Burundi. And this weekend, seven presidents from states involved in the Congo conflict will come to New York for Monday's Security Council meeting on the next steps for peace there. Secretary Albright will preside over Monday's meeting, and negotiations will continue throughout the week.

Mr. Chairman, I'd like to echo something you said yesterday during your historic speech in the Security Council: All of us—the Clinton Administration, the Congress, and most important, the American people—want the United Nations to succeed. Your committee's presence here in New York symbolizes our agreement on one essential point: that the U.N., despite its significant flaws, remains a vital tool for advancing U.S. national security interests. As they might say downtown from here, on Wall Street, the U.N. is "net-net" for the United States. If the U.N. did not exist, we would have to invent it.

This fact is clear today around the globe. During the past five months, I have been to every major arena of current U.N. activity—Bosnia and Kosovo, East Timor, and Africa. I have seen first-hand the critical role the U.N. plays in each of these places: helping rebuild Bosnia and Kosovo and assisting their people in regaining a sense of normalcy and dignity; maintaining stability and supporting the rehabilitation process in East Timor; and sheltering refugees and feeding the hungry in desperate places like Angola. These are vital tasks that no single nation could—nor should—do on its own.

The U.N. also remains essential to addressing problems that threaten the interests of every U.N. member—problems like environmental degradation, terrorism, arms proliferation, and the scourge of diseases like AIDS.

And finally, the U.N. plays a critical political role in advancing freedom and democracy. At the beginning of the 20th century, there were only a handful of countries with governments elected by the people (and there were none elected on the basis of universal suffrage). Now, at the beginning of the 21st century, there are over 100 countries with democratically elected governments. The U.N. has played a vital part in making this true. Mr. Chairman, as you reminded us yesterday, these ideals—freedom of speech and faith; rule of law, not force; and government of the people, by the people, and for the people—are not just U.N. ideals, these are inalienable, fundamental American ideals and having the U.N. work toward them is in America's interest.

That being said, we cannot, we will not, turn a blind-eye to the U.N.'s significant problems and inefficiencies. Those U.N. supporters who regard criticism of the U.N. as criticism of the idea of the U.N. are profoundly mistaken. Those of us who care about the U.N. and believe in its great potential—those of us like you, Mr. Chairman, President Clinton, Secretary Albright and myself, along with most members of Congress, and every member of this committee—have an obligation to be honest and acknowledge that in many ways, the U.N. system is flawed. We owe it to ourselves and we owe it to this organization. Since I first appeared before you during my confirmation hearings, I have been clear that U.N. reform would be my highest sustained priority. I intend to keep it that way.

Mr Chairman, this meeting speaks volumes about our shared commitment to address these flaws and help the U.N. work better. Only two months ago, we made an important step in this direction: the Congress passed the landmark Helms-Biden legislation. With this accomplishment, we have started moving forward to tackle the tough reform issues. As Secretary General Annan himself has noted, and as several members of the Security Council repeated yesterday, U.N. reform is a “process” not an event—and there is no doubt that the reform process will be arduous.

That is why we are so grateful for this committee’s support and that of your colleagues in the Congress. Coming to New York, joining us here at the United Nations and having the opportunity to meet with representatives of our fellow member nations, helps provide a sense of the immense challenge we all face. It is imperative that we build a broad coalition of members in support of a positive reform agenda. For our part, I am fortunate to have as part of my team the indefatigable Ambassador Don Hays, who has already met with over 80 of our fellow Permanent Representatives to discuss our reform objectives.

Mr. Chairman, our reform agenda at the U.N. is designed, as you put it in your speech yesterday, to strengthen the U.N.’s ability to serve the purpose for which it was created. This agenda includes meaningful structural reforms such as those outlined in the Helms-Biden legislation, including progress in results based budgeting, better program evaluation and sunset provisions. We also insist that the U.N. adheres to budget discipline—and this year, following some difficult negotiations, we succeeded in getting the U.N. to maintain a stable budget. Last fall, the United States finally returned to its rightful place on the U.N.’s expert committee on the budget, the ACABQ. We’re also insisting that the scale of assessments process is made more equitable, and have launched a comprehensive strategy to overhaul the scale to reflect 21st century realities.

Mr. Chairman, let me be clear: when we insist that the U.N. create a better management system; when we insist for sunset clauses for committees that are now irrelevant (like the Committee on Decolonization); when we insist for reform of the personnel system and for more transparency; when we insist that the U.N. get its act together on peacekeeping, we do so to strengthen the U.N.—not weaken it. At times, we have honest disagreements with the U.N. But that does not diminish our fundamental commitment to the U.N. and what it stands for—common solutions to common problems. Fifteen years ago, President Reagan expressed a sentiment that I believe remains true today: “We believe in the United Nations and what it symbolizes,” he said. “We have never stopped believing in its possibilities, and we’ve never stopped taking the United Nations seriously.”

But taking the U.N. seriously means helping it become more effective—a more organized, more streamlined, more efficient organization, one that is better equipped to deal with the unique and daunting challenges of the 21st century. It is toward these ends that I look forward to working with you in the coming year.

Again, thank you for affording me this opportunity to be with you here today.

The CHAIRMAN. Well, thank you very much, Mr. Ambassador. I suggest we have maybe 6 minutes.

My first question is, to reach a budget of \$2.536 billion, the General Assembly cut expenditures in general temporary assistance, consultants, and travel. At the same time, the account for peacekeeping increased and the number of temporary positions charged to extrabudgetary funds increased, and that leads me to ask the question, how much of the regular budget was simply transferred to the other accounts?

Ambassador HOLBROOKE. Mr. Chairman, the extrabudgetary positions are temporary, as I understand it. I am not familiar with every detail of this issue at this moment. I can submit an answer in writing, if you wish.

The CHAIRMAN. Sure. It is a little unfair to ask a question like that, but I do want it for the record of this committee meeting.

The United Nations has undertaken several new ambitious peacekeeping missions, plans to expand several others, and is considering several new ones. Now, in my mind, if the U.S. temporarily details military personnel, that is, so-called gratis personnel, to the U.N. Department of Peacekeeping, it will make peacekeeping operations more effective and help prevent the hiring of more permanent United Nations, shall we say, bureaucrats.

Now, what impact has the elimination of gratis personnel since 1997 had on the U.N.'s capacity to carry out its peacekeeping responsibilities?

Ambassador HOLBROOKE. Well, I appreciate this question both at its general and its specific level, because of all the many important things that we deal with in our foreign policy, directly or indirectly through the United Nations, I would say that this is probably the most urgent issue, is peacekeeping, although I would like permission to footnote the fact that we are paying a great deal of attention this month to another issue, AIDS in Africa, the spread of AIDS in Africa, which Senator Feingold and I focused on during our trip last month.

But on this issue you raised on peacekeeping, as I indicated in my opening remarks, we are entering a new phase of the U.N.'s history in regard to peacekeeping in East Timor, in Kosovo, and in Sierra Leone, and perhaps elsewhere, and the U.N. will not get a third chance.

I mentioned the first two earlier, the involvement which collapsed, the pull-back, now the U.N. has a second chance in your committee, and the Armed Services Committee has been very supportive in general and very constructive in its criticisms, and I would note here that Senator Warner and you already had a very important private colloquy on Kosovo with the Secretary General and his people earlier on peacekeeping today.

Now, the U.N. will not get a third chance. If it blows it this time, I cannot imagine that it is going to be given a third chance, either by the American public or the world community, and therefore we have got to get peacekeeping right.

The gratis personnel is an important part of that process. I personally believe it was highly successful, and I believe that the Secretary General's authority should be used to use gratis personnel

under the framework that was set out a couple of years ago. This is one of the many issues on which I think your trip will help. I think it will correct some misunderstandings, and I think it is quite consistent with the larger picture that we are here to develop today.

The CHAIRMAN. A good answer to a question that is of vital importance.

Last month, the Security Council adopted a plan to create a new arms inspection program in Iraq one year after UNSCOM was shut down by Saddam Hussein. Now, the Secretary General is having trouble getting the Security Council to agree to a chief inspector. Two questions. Are you making undermining and replacing Saddam Hussein a priority of the U.S. diplomacy at the United Nations, and number 2, because they are related, are you determined to fight off the increasingly popular notion in the United Nations of loosening the sanctions on Saddam Hussein?

Ambassador HOLBROOKE. My personal priorities would put the removal of two people at the top of my list. You mentioned one. The other one's name is Milosevic. I do not see how we can have stability in either Europe or the Middle East as long as those two men are in power.

My actual duties do not involve the efforts for a regime change in Iraq, but I follow this issue closely. I met with the Iraq opposition when they came to New York. You and I had a private discussion on that, and I think we are in agreement.

On the question of the head of the sanctions regime, the Secretary General was obligated under the U.N. Security Council resolution to name somebody by last weekend, 5 days ago. He told me, and I think he said to you it was the toughest personnel decision he has ever confronted, and he made a recommendation on schedule of Rolph Ekeus, who you all know is a very distinguished Swedish diplomat who headed UNSCOM and is currently the Swedish Ambassador in Washington.

Mr. Ekeus himself was not anxious to take the job. He deserves to have an easier job than this, but he was willing to respond to the call of the world.

Under the resolution, the Security Council needs to approve this. Two-and-a-half members of the Security Council objected. The half was not the key problem. The Russians objected and, I regret to say, the French objected.

As you well know, the month of January, the United States has the rotating presidency of the Security Council, so I am currently the president of the Security Council, and in that capacity I have an absolute legal obligation under the charter to help solve this

problem, which slightly limits my ability to address it openly while trying to solve it privately.

But let me say this, Mr. Chairman. We have spent a great deal of time on this. I read in the papers that I have not been spending a lot of time on this because I am spending all my time on Africa. Well, the fact is, this is the month of Africa for the Security Council, we are emphasizing it, we did have President Mandela here earlier in the week, we have got seven African presidents arriving tomorrow.

This question of Iraq has been on our agenda every hour of every day for the last month, and the situation as of this moment, to the extent I feel it would be useful to talk about it now, is very simple. The Secretary General made an excellent recommendation after an immense amount of work. The United States supports the Secretary General and commends him for his efforts.

The Security Council is still considering Mr. Ekeus, but there is no full agreement, which is required under the rules of the Security Council, not entirely dissimilar, in some ways, to a confirmation process in the Senate, with which we are both familiar, except that it involves the Russians and other countries, and I feel it is very wrong to have blocked Mr. Ekeus, since he did a good job last time, and we have not stood down our support of that recommendation.

It has not been withdrawn, and we are continuing to pursue it, and meanwhile other names are being thrown in the hopper and being discussed, but Rolf Ekeus is still the candidate of the Secretary General, and now speaking very formally as the president of the Security Council I will say we are still seized with the problem and we have been meeting in private sessions around the clock, and my deputy, Ambassador Cunningham, is not here right now I think because he is working on that very issue, in direct consultation with the Secretary and Tom Pickering as we speak.

The CHAIRMAN. Very good.

Senator Biden.

Senator BIDEN. Thank you very much, Mr. Chairman.

Mr. Ambassador, the Helms-Biden legislation provides a total of \$926 million in back payments, but the U.N. claims the United States owes \$1.6 billion in arrears. For the record, can you explain the difference, why the U.N. believes we owe \$1.6 billion?

Ambassador HOLBROOKE. Senator Biden, I will let the U.N. explain why they think we owe what they say we owe. That is up to them. I will only say that the area in disagreement, so-called contested arrears, is made up over a dozen different—about \$500 million is made up of over a dozen different legislative and policy withholdings that accrued over the years. Some result from a dis-



pute over the taxation of U.S. citizens. Others grew out of our legislation that capped the U.S. contribution to peacekeeping. We will support the legislative process and above all the Helms-Biden package, and the U.N. may continue to say we owe them the money. Our position is clear, as laid out in your legislation.

Senator BIDEN. And there is no space between the administration's position on that and the Senate's position, is that correct?

Ambassador HOLBROOKE. None whatsoever. Under oath before your committee I said my highest sustained priority would be implementation of the Helms-Biden package, and that is our highest priority, and Senator Grams and Ambassador Hays and I have had extensive discussions on this precise issue.

Senator BIDEN. One of the areas of confusion at the end of this last, the first year of this Congress, which we recessed prior to Thanksgiving, was whether or not the passage of Helms-Biden solved the issue of losing our vote in the General Assembly, and that is that failure to pay our dues, our current dues, which come to about—for 1999 come to about \$300 million, whether or not the passage of Helms-Biden solved that problem, and my understanding is that we have essentially put down \$50 million toward that.

In addition, there is about \$250 million, in what we call in the Senate the Commerce-Justice-State appropriations bill, which has become part of this big omnibus bill that we are about to deal with when we get back. But is our understanding correct that once that \$250 million is freed up, which is separate and apart from the Helms-Biden piece, that the whole issue of our "losing our vote in the General Assembly" is moot, is over?

Ambassador HOLBROOKE. It is a little bit too early for my colleagues to work out exactly what will be needed to "avoid losing our vote in the General Assembly." We avoided losing it last year by about \$40 million, but if we fulfill your benchmarks and work with people, including Joe Connor, who you will hear from later this afternoon, we will succeed in preventing that event.

Senator BIDEN. Well, one last question. Again this is—I know we know the answers to this, but I want to make sure we are clear on the record. The Helms-Biden bill requires a reduction in our assessment to 20 percent. Now, is that impossible to obtain, in your view, or is that possible to obtain?

Ambassador HOLBROOKE. We will fulfill the scale of assessment revision as laid out in the bill. It is certainly the most difficult of your benchmarks, but it is achievable, as you have formulated it in last year's bill. It requires, however, the deep understanding and collaborative efforts with many members of the United Nations,

some of whose representatives are behind us today, most notably the chairman of the Fifth Committee, Ambassador Penny Wensley from Australia.

And I want to pay tribute to her for her extraordinary shepherding of the budget through the last cycle, almost a solid week of 1-hour-a-night sleep, around-the-clock meetings until 4 or 5 in the morning. Our team was there, too, and she got it through, and we will look to her for leadership.

The scale of assessments was last really revised in 1973. Since then, 56 nations have joined the U.N. Some countries have gotten richer, some have gotten poorer. There are countries that want to lower their rates. We are not the only ones that want to lower our assessment rate, and some have told me privately they are ready to raise their rate of assessment if it is part of an equitable package.

We have hired outside consultants to do computer runs. We are talking to Governments and capitals, and here in New York. I will be traveling to other countries, starting in a few weeks, to talk this over. It is going to be tough, Senator Biden, but I absolutely believe it is possible, because in the end the actual dollar amount involved to go to the required rate under the legislation is only \$39 million in the budget. It is not as much as people think.

So we are talking a lot about symbolism, and I do not believe that the member States of the United Nations, who all care about it and who, as you heard first-hand today and yesterday, want American leadership, are going to oppose working with us on this issue, provided one thing, and this is critical. This issue cannot be divorced from our policies themselves, and it is the engagement of the United States in pursuit of our national interests and global stability and democracy that is critical here.

It is our support of the policies in East Timor, and support of our brave Australian and Philippine allies, and our efforts in Sierra Leone and Kosovo and Bosnia and elsewhere, that have to go hand-in-hand. We cannot separate substance from management reform once Helms-Biden was passed.

Until then, they were separate, for obvious reasons. It is a whole new ball game now, Mr. Chairman and Senator. With the passage of your bill, we are able finally to work toward an integrated policy, and I am so touched that so many Ambassadors came here today, because these are the people we work with, and by being here in the room, they are indicating to you that while they do not agree with everything that we do, they want to work with us, and so we are going to make—as I told you during the confirmation hearings, this is our top sustained priority, and Secretary Albright is also

working on it. Every trip she makes, she always includes this as part of her efforts.

Senator BIDEN. Mr. Chairman, 10 seconds to conclude. There is a provision that we have in there that we have got to get this down to 22 percent, and then down to 20. If you cannot get it from 22 to 20, there is the ability for the Secretary to waive the condition to get it done. I would expect that you would be able to do this. That is our hope and intention, but I did want you to know there is—I know you know this, but to know there is some flexibility. We do want to work with this, and I think it is time we reassess not just our position but other nations' positions.

Ambassador HOLBROOKE. I well appreciate that, and I would just make one additional footnote, and that is that in the final analysis I believe that it is imperative that whatever our rate, we remain the largest contributor to the U.N. It would not be explicable if the world's richest nation, at the apogee of its economic power, its moral leadership, its cultural dominance in the world, to say nothing of our military preponderance, were to somehow not take the lead, and over and over again, on issue after issue, the most recent example being Vice President Gore's extraordinary appearance last week in New York on AIDS in Africa, when he announced that he and the administration would come to the Congress with a request for an increase, immediately, other countries, led by Japan, came forward and said they, too, will increase. American leadership, which is not simply rhetoric, is critical here.

So Senator Biden, I completely understand your question. I just want to put a footnote down. I would not want to mislead the committee. I think it would not be explicable to the world if we were second to any other country.

Now, that is a specific reference to one country, Japan. Japan pays about 19 percent right now, and they are pretty upset about the fact. They feel they got a pretty raw deal in the U.N. because they are not on the Security Council, and so on and so forth. Well, that is a separate issue, but the Japanese will have a major problem with their equivalent of the Helms-Biden package, and by the way, Mr. Chairman, you have your equivalent in the Japanese Diet now. They have been watching you, and they have got a committee which is starting to talk about the budget, and I met with them here in New York, and you are their role model. [Laughter.]

Ambassador HOLBROOKE. And they talk to me about the Japanese Helms-Biden, so we have to be very, very clear about this one subplot.

Other than that, we will get there, Mr. Chairman, Senator Biden.

The CHAIRMAN. Japan, stay tuned.

Senator HAGEL.

Senator HAGEL. Mr. Chairman, thank you. Maybe our next field hearing will be in Tokyo, Mr. Chairman. [Laughter.]

Senator HAGEL. Mr. Ambassador, thank you for your hospitality.

I would like to build on for a moment to what Senator Biden was focusing on. As we all know, the United Nations was formed 50 years ago to deal with the great challenges of our time. It was to be a relevant organization to deal with those challenges. I have heard much today, we have over the last couple of years, about United Nations peacekeeping responsibilities.

My question, Mr. Ambassador, is this. Peacekeeping is about more resources, about manpower, about leadership, about commitment, and about money. At a time when Western democracies' defense budgets are going down, ours, after a long period of decline, is starting to go up.

Are we going to shift resources in the United Nations away from other activities to deal with the added expenses of the peacekeeping commitments? You mentioned Bosnia, Kosovo, East Timor—we are talking about Africa, we are talking about so many areas of the world that need our help.

If we are not going to shift resources within the United Nations to deal with the additional resources needed for the peacekeeping efforts, then where do those additional resources come from? Will they come from increased dues, or perhaps less U.N. activity across the board? I would be very appreciative, Mr. Ambassador, if you could reflect on that in as many ways and specific terms as you can.

Ambassador HOLBROOKE. Well, your question, Senator Hagel, goes to the heart of what we think the U.N.'s role is in our national security. In some cases the U.N. has been an abysmal failure. We mentioned the three most dramatic cases earlier. In other cases, the U.N. has succeeded. Those of you who were in the Security Council yesterday heard one country say that the U.N.'s peacekeeping operations had succeeded in a peaceful transition to democracy.

I would submit that the activities of the Security Council and the U.N. from about Labor Day on of last year in East Timor were also successful, although the previous 20 years were not, so I believe that peacekeeping is a case-by-case issue. We cannot make a blanket judgment in which we become the world's policeman, and at the same time we have to look at each issue on its merits and say, is there something where the United Nations, supported by the U.S., can make a difference?

Because the U.N. is only its member States; it is a bureaucracy, and that building on the East River is not what the U.N. is. They carry out what the member States tell them to, sometimes not to our liking, mine very much so. I am very unhappy with the U.N. Secretariat, as they all know, but they carry out our will, and this is a case-by-case basis.

Sierra Leone is going to be on the table now, and the choice is very stark in Sierra Leone. Either vote a manageable increase in the U.N. peacekeepers, or risk a real bloodbath, in a country which has had some terrible scenes.

I was in Minneapolis last year with Senator Grams, and we visited the Center for the Victims of Torture, and a lot of them were from Sierra Leone, and to see them, and then to sit in the U.N. Security Council and recognize that your vote could affect whether it happens again or not is a legitimate and important question.

Now, there are no American troops involved in this. Either way, no Americans will be involved, but it will cost some money. Now, your question goes to the issue of fungibility. These are case-by-case issues in which under our laws we will have to notify you before we can formally approve these Security Council resolutions, and for better or worse, the Congress will get at least one notification in the not-too-distant future, in my view, and that will be Sierra Leone.

And I will be happy to come back down to Washington and ask you to consider that on its merits. It's not going to be an excessive amount of money and the alternatives, it seems to me, are much worse, but it is not fungible, Senator Hagel, in the sense that we are going to take money out of UNICEF or the World Food Program. It has to go through this separate process.

Senator HAGEL. Well, with the remaining couple of moments I have, Mr. Ambassador, thank you. You understand the point of the question, because the American public pays the taxes and pays our portion of the United Nations funding. I think the public is occasionally confused by the U.N. role, and what its role will continue to be. I think occasionally we are all a little too glib in throwing around peacekeeping terminology when the American public wonders what that means. You are exactly right, the United Nations does not have a standing army; it comes from the United States and Britain and France, and all of the member States.

But at a time, again I say, when defense budgets in those democracies are going down, except in the United States, if we project out 10 years, those projections become clearer and clearer that more resources are going to be needed. I do not expect you to have the answer now, but we will obviously talk more about it in the next

year. I am concerned about where the funds will come from and, as we have said all day today, the worst thing we can do is fail.

The worst thing we can do is give the world a high expectation that we will come to the rescue of the United Nations and member states of the United Nations, and in fact not fulfill the commitment that we have made.

Ambassador HOLBROOKE. I quite agree, Senator, and these are very tough problems. You and I both saw the U.N. spending \$5 million a day in Bosnia in the early nineties, and a previous administration in the early 1970's voluntarily took the U.S. contribution peacekeeping up to 30 percent. The Helms-Biden package takes it back down to 25 percent.

Not everyone in the U.N. is happy about that, but you were quite right to do it. 30 percent is an excessive percentage, and we are going to work for that.

Meanwhile, we will have to deal with the real crises, and some of these are very unpleasant, but I think—I hope I am not sounding overly optimistic, because that is not my style in regard to these issues, but I think that the pressure we are putting on—for example, this deliberate, protracted delay we have put on the consideration of peacekeeping in certain parts of Africa because we do not think that the peacekeeping office has got a clear, coherent plan yet, we have been holding that up for 3 months now, and we are getting, even while we are supporting a priority for Africa, we have been attacked by some of the Africans for delay. I do not apologize for that.

I told the Presidents—Senator Feingold was with me, in fact, in Harare when President Mugabe turned to us and said, you are preventing peacekeeping, and Senator Feingold and I said, you are right, we are, because we are not comfortable yet. Senator Feingold spoke very eloquently to that issue.

But now we have to deal with it. It is an extraordinarily difficult problem.

Senator HAGEL. Thank you.

Senator FEINGOLD. Ambassador, let me first congratulate you on the wonderful use you are making of our American presidency of the Security Council this month. It is very productive, and of course I particularly appreciate the emphasis on Africa.

But turning quickly back to the conditions and the reform issue, would you talk a little bit about the reaction of the other member States of the U.N. to U.S. calls for reform? I am a little concerned that some apparently regard the reform discussion as associated with a United States-driven or western-driven agenda, and I am terribly concerned about the devastating impact that corruption

has on social and economic development abroad, as well as my interest in it in our own country where we have problems with that as well.

So I wonder if you would comment on the issue of transparency and oversight, and the problem of it being cast in a political light, in the context of the U.N.

Ambassador HOLBROOKE. You are talking about within the U.N. system?

Senator FEINGOLD. I am, yes.

Ambassador HOLBROOKE. I am very concerned about this. We have worked very closely with the Office of the Inspector General. We have been urging a quick replacement for Mr. Paschke, who has left the post.

But the basic answer to your question, Senator, is that everything changed when the bill was passed. You asked about American leverage. It is a whole new ball game once we are sitting there with an actual set of checks in our hand and we say to Joe Connor, who has just arrived in the room, here is the money, but you have got to—there are certain strings that are attached to it, and I would say, Senator, that the whole mood has changed. People who would not talk about the benchmarks until the passage of the bill are now willing to discuss them.

And again, the very fact that so many distinguished Ambassadors are here today—I see that the Ambassador from Britain has just arrived, Sir Jeremy Greenstock, is indication of the new mood that has been created by the passage of the bill and now by your presence here today.

Senator FEINGOLD. I am pleased to hear that turn-around has occurred, but I do know that the Secretary General has publicly complained about micro management from dozens of different member States that can lead to sort of a paralysis with regard to various initiatives.

Do you think that the U.S. reform agenda needs to be better coordinated with the initiatives of other States?

Ambassador HOLBROOKE. Perhaps so, but when we see an abuse—there are three or four that we are working on right now, which we are concerned with—I will go direct to the Secretary General in private, as any other member State has the right to. Sometimes we work closely together. I have been working with Sir Jeremy in a couple of areas where we share a common concern, but not always. The British Ambassador and the American ambassador can disagree.

We will work with them when we can, but we will speak unilaterally for the United States when we must. The goal is the same in every case. There are still inefficiencies in the system. They are everywhere. You can see them. It is not just the U.N. Almost any large bureaucracy has it. Oversight is not as strong in the United Nations, as particularly some of the other agencies it has been, but I do want to say one thing.

I think the current Secretary General is doing an excellent job. I think that Kofi Annan is a remarkable international public servant. I was particularly gratified that he changed his schedule today to accompany you to the lunch, Mr. Chairman, and to participate. That is a very powerful signal to all 185 nations of the United Nations, when the Secretary General and the president of the General Assembly, who is from Namibia, walk in with you, and I would like to be clear that my criticisms of the Secretariat and the bureaucracy, which are much stronger in private than I am expressing them here today, in no way are a criticism of Secretary General Kofi Annan.

Senator FEINGOLD. Ambassador, we have talked about peacekeeping, and you know that I have on occasion voted against initiatives that would send U.S. troops abroad to address a crisis that I think in some cases would be better handled by regional leaders and sometimes regional forces, and you know that when we were in Africa, in virtually every country I wanted to hear about that issue in speaking to the presidents of the 10 African countries.

With an eye toward the issue of burden-sharing, I would like to hear a little bit more about the state of relations between the United Nations and regional organizations like the OAU and the OAS with regard to burden-sharing.

Ambassador HOLBROOKE. In general, I think we would always prefer to put regional organizations forward first. In Europe, the OSCE, for example. I would rather see the OSCE deal with an issue than the United Nations, quite frankly. It is a smaller organization. It is more manageable. It has a mere 52 members instead of more than triple that at the U.N.

The Organization of African Unity has a critical role to play in almost all the crises of Africa, Ethiopia, Eritrea, Burundi, where Nelson Mandela is desperately trying to prevent a major blood bath, the Central African Republic, Sierra Leone, and the Congo.

In East Timor, it is slightly more complicated because ASEAN does not want to be regarded that way, but it was basically what Senator Helms called in his speech yesterday a *de facto* coalition of the world led by our wonderful Australian allies, and I think it is extremely important to recognize this issue. The Australians



have been with us in every war in this century, always. I cannot think of a better ally we have ever had in this century.

And the Filipinos, who next week will replace the Australians as the commanders of the East Timor force, with the Australians becoming deputies, have also been with us throughout this century, and I would hope that this committee and the Senate would support our support of that effort. There are no U.S. troops under U.N. command, but we need to show our support for Australia and the Philippines and stability in this critical part of the world in Southeast Asia.

Senator FEINGOLD. Thank you, Mr. Chairman.

The CHAIRMAN. I would say that regarding the next Senator, Senator Grams from Minnesota, that he probably ranks as one of the most conscientious Senators working on detail, and he spent a long time, a lot of time at and with the United Nations, and you are next, sir.

Senator GRAMS. Thank you very much, Mr. Chairman. I appreciate that. I have a statement I would like to have entered into the record as if read.

The CHAIRMAN. Without objection.

Senator GRAMS. First a couple of comments, Mr. Chairman. First of all, I am pleased that the U.N. reform package that we worked so hard to draft was finally signed into law last year, and that the ball is now out of our hands and into the U.N.'s court. We are entering a new phase, as you have mentioned, as the chairman has mentioned, in our relations with the United Nations, one which I am confident and hopeful will be less adversarial, and I think that this hearing is going to go a long way to underscore that change in tone.

The Foreign Relations Committee may be tough on the shortcomings of the United Nations, but we are fair, and we are sincere in trying to make this a more effective and an accountable organization. I think we are all working to reform the U.N. in order to ensure that it can rise to meet the potential that it has in this century, and as Secretary General Annan has noted, and I quote the Secretary General, he said, a reformed United Nations will be a more relevant United Nations in the eyes of the world.

Now, while the desire for reform at the U.N. is widely held, the role of the United States in shaping that effort remains a matter of contention. Now, after having twice served as a congressional delegate to the United Nations, I am well aware of a lot of resistance to the benchmarks that are not due to the reforms, maybe, themselves, but to the fact that they are being proposed by the United States, and I hope these feelings will be put aside so that

there can be a substantive debate on the merits of the reforms which the U.S. is proposing.

Again, as I said, the ball is now in the court of the U.N. It may decide the reforms are too onerous, and forgo the \$926 million Congress has authorized and appropriated to pay our arrears, and I hope that will not be the case, and that would mean the loss of a great opportunity to mend U.S.-U.N. relations, in addition to improving the U.N. itself.

[The prepared statement of Senator Grams follows:]

#### PREPARED STATEMENT OF SENATOR GRAMS

Mr. Chairman, I am pleased the U.N. reform package we worked so hard to draft was finally signed into law, and that the ball is out of our hands and in the U.N.'s court. We are entering a new phase in our relations with the United Nations, one which I am confident will be less adversarial. I think this hearing will go far to underscore that change in tone. The Foreign Relations Committee may be tough on the shortcomings of the U.N., but we are fair. And we are sincere in trying to make this a more effective and accountable organization.

Fifty-four years ago, as the members of the United Nation's founding delegation met in San Francisco, there was great anticipation and a collective enthusiasm for this new, global institution. Delegates spoke of hope, of expectation, of the promise of peace. President Truman echoed these sentiments, telling the delegates they had, "created a great instrument for peace and security and human progress in the world."

We are all working to reform the U.N. in order to ensure it can rise to meet its potential in the next century. As Secretary General Annan has noted, "a reformed United Nations will be a more relevant United Nations in the eyes of the world." And in this age, being relevant means that the great powers, including the United States, consider the U.N. to be a powerful tool in their foreign policy arsenal. We must be able to look to the United Nations as a helpful forum to resolve conflicts and engage like-minded allies in joint action. To this end, the United States must help shape the United Nations to be an organization that the U.S. needs as much as the U.N. needs the United States.

It is true that many Americans are not aware the contributions the U.N. makes in less high profile areas than child survival and disaster relief. For example, the U.N. agencies that focus on technical cooperation play a crucial role in establishing and coordinating international standards for governments and businesses. However, none of these benefits excuse the massive and uncoordinated growth of the United Nations which was outlined by the Secretary General in the introduction to his reform plan. Reform is necessary—not because Congress wants it, but to ensure the U.N. does not collapse under the weight of its own inefficiency.

While the desire for reform at the U.N. is widely held, the role of the United States in shaping that effort remains a matter of contention. Having twice served as a Congressional Delegate to the U.N., I am well aware that a lot of the resistance to the benchmarks are not due to the reforms themselves, but to the fact they are being proposed by the United States. I hope those feelings will be put aside so there can be a substantive debate on the merits of the reforms which the United States is proposing. For the ball is now in the U.N.'s court. It may decide the reforms are too onerous, and forgo the \$926 million Congress has authorized and appropriated to pay our arrears. That would mean the loss of a great opportunity to mend U.S.-U.N. relations, in addition to improving the U.N. itself.

So while we are all here to celebrate the passage of the U.N. reform package and the payment of the arrears it is important to keep this new era in U.S.-U.N. relations in perspective. Shortly after the Helms-Biden package was signed into law, the U.N. approved a budget which is \$2 million over a no-growth budget. While I am concerned this will cause the creation of new arrears just as we are settling the old ones, I am even more concerned about the message this sends to the United States. In a budget of \$2.533 billion, there is no reason to have an overage of \$2 million—unless it is a slap at the United States. Indeed, the U.N.'s outgoing Inspector General Karl Paschke said the U.N. could cut \$55 million from its budget if it would follow his recommendations.

And I am very concerned one of our greatest reform achievements to date, an independent Inspector General's office, has been jeopardized by the appointment of the Under-Secretary General for Legal Affairs to serve as the temporary head of the OIOS. On its face, it would seem difficult to maintain OIOS' operational independence if the head of OIOS is responsible for providing legal support and advice to U.N. offices he is also auditing, investigating or evaluating.

While I look forward to discussing the status of U.N. reform efforts, and the prospects for reform in the future, I would also like to take a look at the bigger picture of whether the U.N. is moving to impose norms which are anathema to many Americans. For example, a proposed protocol to the U.N. Convention on Transnational Organized Crime, supported by the Clinton Administration, would change the definition of sexual "trafficking" in women and girls to include only those who are explicitly forced into prostitution, not those who have been coerced. Religious conservatives and prominent feminists have joined in opposition to this move. These are the kind of actions by the U.N. which lead to the disintegration of support by the American people.

I strongly believe that the U.N. is an important forum for debate between member states and a vehicle for joint action when warranted. However, the U.N. must endorse reforms that provide transparency and accountability so it can be embraced as an asset instead of viewed by some as a threat.

Senator GRAMS. Ambassador Holbrooke, just a couple of brief questions dealing with African peacekeeping. Given your decision to devote a month to Africa on the Security Council, I was wondering if you would reflect on the ability and the wisdom of the U.N. embarking on a nontraditional peacekeeping operation on that continent.

Now, while it is easy to see the potential role of peace keepers in border conflicts, like the one between Ethiopia and Eritrea, it is more difficult in the situation of Congo, so Mr. Ambassador, what is the precise mission of this proposed operation?

Ambassador HOLBROOKE. Thank you, Senator. I also want to echo Chairman Helms' comments about you. This is at least the third time you and I have met in New York on these issues, and you have really carved out a special role as our most closely watching watch dog, and I greatly appreciate it.

One comment before I address the question of the Congo. Your opening comments seem to imply that a reform proposed by the United States breeds some resentment because it comes from us. That may have been true when you were a delegate here, or earlier

last year when the arrears issue was so red hot, but I think if you think back to that lunch, or this remarkable display of U.N. ambassadors here, if they were resentful I do not think they would be in this room. The Ambassadors are here to learn what your views are, and to help them work with us. I have not seen any resentment directed to us simply because we are Americans. Plenty of Ambassadors disagree with us violently on issues, but that is how it should work.

I was warned about this by many people, including members of my own staff. I just have not seen it, and I do not think we saw any of it yesterday, Mr. Chairman. I do not think we saw it today. But I am not disputing the fact that it is a widely held perception. I just do not see it. This is a very generous set of people and repeatedly, as Ambassador Greenstock and Ambassador Choudry of Bangladesh, and Ambassador Hasmi of Malaysia said yesterday to Chairman Helms, and in fact in one way or another, every one of the 14 Ambassadors in that room, including those from countries not known for their closeness to Chairman Helms, said, they want American leadership.

Now to your specific point on the Congo. I know of no more difficult issue that I have had to deal with in my career than Congo. You use the phrase nontraditional. Well, very little in this difficult and brave new world that the U.N. is trying is traditional.

Kosovo is without precedent, as Senator Warner has already made clear several times today, and I agree with what he has been saying on that. Kosovo in fact is going to be the most difficult of all the problems the U.N. is going to deal with this year, including Congo.

East Timor is without precedent. East Timor will become the first new State of the 21st century, and the U.N. has been put in charge of being midwife.

Kosovo is in an uncertain legal status, and the U.N. Security Council is hotly disputing what the resolution number 1244 actually means. Two or three countries in the Security Council say it means that Kosovo will always be part of Yugoslavia. The United States and Great Britain and others say that is not what it means, and as long as Milosevic is in charge in Belgrade we cannot do it. We cannot do anything about it anyway.

So when you talk about nontraditional and Africa, I would just footnote we are in a world of extraordinary difficulties. They only have one thing in common, Senator Grams, and this includes Africa, East Timor, and the Balkans. They all stem from unresolved issues of sovereignty that stem from the breakup of empires and the drawing of boundaries in the latter part of the 19th century

and the early part of the 20th century that caused enduring conflicts, and here we are in the 21st century dealing with them.

They will not go away. They have sucked us in in various places. Timor is the one that has gone the best. Kosovo is by far the most complicated. Bosnia is doing pretty well, and Congo, well, President Mugabe arrived in town as we are holding this hearing from Zimbabwe. Seven presidents will be arriving in town over this weekend. We start the debate Monday. Secretary Albright, I am proud to say, will come to New York to chair that terribly important Security Council meeting.

We have told the signatories to the Lusaka agreements that if they will not implement their own agreement we cannot support a peacekeeping effort. They have come here to reaffirm Lusaka, to update it, to take into account time lines that have shifted.

Again, I want to single out Senator Feingold, because every step of the trip where this policy I am articulating was formulated, Senator Feingold was with me in the room, speaking separately for himself and for another branch, but with no division.

Senator Frist, who could not be here today, was fully briefed by the CIA and the Pentagon before the trip, and I have been in constant touch with him. Congressman Paine, the Ranking Minority on the House side, was here earlier in the week, and I have been on the phone with Congressman Royce, Senator Frist's counterpart in the House, and he is going to come up next week to New York to participate in the debate, so we are going to work with you closely, as we work with the African leaders.

It is much too early for me to predict where we are going, but I certainly share your use of the word nontraditional, and I hope to have your permission, Mr. Chairman, to report back to you along with Secretary Albright on this important issue in a couple of weeks.

Senator GRAMS. Thank you, Mr. Ambassador.

The CHAIRMAN. Senator John Warner is not a member of the Foreign Relations Committee, but he does not have to be. Our two committees, the Foreign Relations and the Armed Services Committee, which he chairs, work together closely, as we should. John Warner is a Senator's Senator, and I invited him, I urged him, to come and be with us today. Senator Warner.

**STATEMENT OF HON. JOHN WARNER, A U.S. SENATOR FROM  
THE COMMONWEALTH OF VIRGINIA**

Senator WARNER. I thank you very much, Mr. Chairman. If I may say, in total sincerity, the leadership that you have shown, together with your distinguished colleague, the Ranking Member,

and our distinguished Ambassador, Ambassador Holbrooke, you are a triumvirate that have made history. It is the right time, a new millennium, it is a right start, and this world cannot exist unless we as a family of nations, whether we are large or small, or rich or poor, can sit down, as we are today and yesterday, and address the tough decisions and provide as best we can the leadership and the answers as to what is to be done.

So I will nominate you here and now for Profiles in Courage. Good luck.

The CHAIRMAN. Thank you, Senator.

Senator WARNER. Having said all that, yesterday Senator Helms was very frank with his comments. Mr. Ambassador, you have been very frank today, and I copied a sentence down. I will speak this sentence on the floor of the Senate in the not-distant future. You said, the United Nations will not get a third chance in peace-keeping, and you enumerated the historical context of that very profound and insightful observation. Courageous.

You are among your peer group, and I say to you most respectfully, and this is not a reflection on the organization, certainly not the Secretary General with whom I spoke today, and I told him the same thing I am about to provide you in the form of a question. I just got back from the Balkan region a few days ago—Kosovo and Bosnia. I have been there twice each year almost since 1992. I have spent a lot of time, and my committee has authorized enormous sums of money, close to \$10 billion over this period of time, toward the United States contribution to help end the human rights violations in that area and helping the people.

I say to you most respectfully, Mr. Ambassador, the U.N. is on the brink of failure, failure of the type that you said you will not get another chance, and these are not just my observations. They are the observations of the persons in the U.N. that are working courageously in this region and the military commanders of a number of nations. You know full well the long list of problems that confront the U.N. It is a challenge, and time is running out to fulfill that mission.

There are tens of thousands of brave young men and women wearing uniforms of over 30 nations patrolling the streets, the alleys, day and night. As we sit here in the warmth and the comfort of this great city, they are exposed to everything, a tremendous risk, and you know what our Nation suffered in Somalia. That type of situation could happen any day, either in Kosovo or Bosnia. The infrastructure needed to provide a judicial system, the police that are needed not only for the street crimes but for international

crime—all of this is sadly lacking, and the U.N. has not been able to fulfill in a timely way its obligations.

The military performed with courage in prolonged battles at great risk to life, and succeeded, and now they are holding together—they are holding together a security blanket over both of these nations. But beneath that security blanket, particularly in Bosnia, are the most rapidly growing criminal syndicates in the world today. As one U.N. official told me, the best-organized thing in Bosnia today is organized crime, and we have got to put a stop to that.

Now, it is one thing to make these observations, as tough as it is for me in my great respect for you and others, but I think that you have got to, together with the Secretary General, elevate this decisionmaking—yes within the U.N. to the top levels, but also involve the heads of State and Government of the principal nations.

And second, you may have to consider a special assessment to all nations to meet the financial needs. I mean, Pristina does not even have enough power to operate the lamps in the headquarters of the KFOR. So I urge you, what recommendations can you provide this committee today by which we can begin to have a timely fulfillment of the U.N. obligations, so that eventually the troops of our Nation and other nations can return home?

Ambassador HOLBROOKE. Mr. Chairman, I have no choice but to agree with your assessment, because as you were in Kosovo, so was my senior counselor for the issues, calling me every day from rooms which had no heat, with one light dangling from his office. The situation is—there may be some nuance differences, but it is enormously valuable for you to draw national attention, international attention to the fact that Kosovo is in a perilous state.

I would differentiate, and I believe I understood you to be differentiating between Kosovo and Bosnia. Bosnia may not be going as fast as we want. I have been very publicly critical of it, but it is on the right track, but moving too slowly. Kosovo is a much more complicated situation, as we said earlier.

I agree with you about the crime. There was an extraordinary—the only thing I am not sure about is whether the crime is worse in Bosnia now than in Kosovo, but if it is, do not worry, Kosovo will catch up if we do not get this thing under control, particularly since it is linked in the situation in Albania itself.

I agree with you about the infrastructure, but there is only one thing you said I would like to kind of do a slight calibration on, and it is actually not about the situation on the ground. It is about who is responsible. You said, and I quote, because I, too, take notes

on what you said, that the U.N. is on the brink of failure in Kosovo. If we are on the brink of failure—

Senator WARNER. —the entire region of the Balkans.

Ambassador HOLBROOKE. I accept that, but if we are on the brink of failure, it is not the United Nations, it is the whole system. We cannot simply say that we are going to solve this through the U.N.

Now, parts of the problem are the U.N. responsibility. Parts are the European Union responsibility. Let us be honest in this room. Some of my colleagues will not want to hear this. The power system in Kosovo was assigned to the European Union, so I think we have got to be honest about this one. They let the system collapse in the dead of winter. They are the reason people are freezing right now in Kosovo, and they themselves know it. I mean, I know I am going to get angry letters after this, but this is what you saw on your trip, and this is what my colleagues are reporting to me from freezing rooms.

Senator WARNER. You are correct. I failed to say, the U.N. and other international organizations. You are correct.

Ambassador HOLBROOKE. On the question of police, Secretary General Annan responded to you by agreeing with you earlier today, and I think the public record should reflect that he said that the United States was the best contributor in police, and he appreciated that, and he is very disturbed that we are running behind.

And on the security side, that is a NATO responsibility, so I think what you said is as important as anything else, Mr. Chairman, we are going to discuss here today, which is a policy of enormous importance, is not in as good shape as it should be, and I know that Secretary Albright—she and I have talked about this a great deal recently, as has Sandy Burger. We are all aware of the fact that things are not going, in Kosovo, at the pace that we had hoped at this point, but I can assure you that it has high-level attention, and I am sure that Chairman Warner's comments will increase that attention.

The CHAIRMAN. This concludes this panel. Mr. Ambassador, you have been clear and responsive to all the questions, and I appreciate that, and I appreciate all that you and your associates have done to make this meeting and the earlier ones possible, so thank you very much, and we will call the second panel.

The second panel will proceed to the table, and I see that our friend is setting it up. They understand that we are under pressure of time. We will give the folks who are exiting the auditorium a couple of minutes to do it, but if you will do so as quietly as pos-



sible, we would like to proceed. We appreciate the presence of everyone here this afternoon.

Panel Number 2 consists of two friends, and two experts, and two Americans who I admire. Hon. John Bolton is Senior Vice President of the American Enterprise Institute and former Assistant Secretary of State for International Organization Affairs in Washington, and Mr. Edward C. Luck is the Executive Director of the Center for the Study of International Organization, New York University School of Law, and the Woodrow Wilson School of Princeton University.

So I believe you understand the time restraints, and we want to move along as rapidly as we can. Mr. Bolton, we will first hear from you.

**STATEMENT OF HON. JOHN BOLTON, VICE PRESIDENT, AMERICAN ENTERPRISE INSTITUTE, FORMERLY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL ORGANIZATION AFFAIRS, WASHINGTON, D.C.**

Mr. BOLTON. Thank you very much, Mr. Chairman. It is a pleasure to be here today to appear before you and other members of the committee. I have a prepared statement I would ask be entered into the record, which I will summarize.

The CHAIRMAN. Without objection, it will be done.

Mr. BOLTON. Mr. Chairman, here in the United States, this is really the third time in this century that we have had a major debate on the role of the United States, the place of the United States, among the nations of the world. What I would like to do today is try to just take a few moments to move beyond the precedent-setting Helms-Biden legislation and ask in both a theoretical and a practical way, "what comes next?"

It seems to me, Mr. Chairman, that there are basically three broad priorities for the United States in any international organization of which it is a member. The first is preserving and protecting our constitutional decisionmaking structures here in the United States.

The second is to defend and advance American interests in those international organizations. Some may think that the organizations are Platonic structures designed to create a more perfect world. I view these organizations, instead, as places where the United States advances its interests. The third broad priority is maintaining American leadership while guarding against the imposition of unfair burdens.

Now, Mr. Chairman, under those broad objectives, although there are many specific priorities, I would name four, looking

ahead from today. First, I do not think there is much question that the United Nations can be a potentially useful tool of American foreign policy, but I would stress that it is not the only tool, and generally not even the preferred tool, and I think this goes centrally to questions of American national security.

I think many people misread the lessons of the series of United Nations resolutions that were adopted under President Bush's leadership during the Persian Gulf crisis, that led to a vast overreach by member nations of the U.N. in peacekeeping operations. I think many of those lessons have been learned, but Mr. Chairman, we have been faced, just within the past year, by a very significant statement from the Secretary General. He said it in several different ways. I would just like to read one formulation of it.

In May of last year the Secretary General said, and I am quoting now, "unless the Security Council is restored to its preeminent position as the sole source of legitimacy on the use of force, we are on a dangerous path to anarchy." I will repeat his phrase. The Security Council was the "sole source of legitimacy on the use of force."

Mr. Chairman, this statement is flatly wrong. I believe it is a statement that is not supported by the U.N. Charter or by international practice, and it certainly has little or no support in the American body politic. I think it is a subject appropriate for debate in the U.S. Senate, and I hope that you will have a chance to do that.

The second priority is that when we do choose the United Nations as a tool of our foreign policy interest, it is very clear from the historical experience that the United States must lead if the U.N. is to be successful. There is no substitute for American leadership. There is no other nation, there is no other combination of nations that can lead, nor, as I think has already been said here today, can we expect the Secretariat to lead. Indeed, I would go further. If the Secretary General were leading, I think he would be overstepping his bounds, and I think that would be a very bad precedent.

Third, Mr. Chairman, while I am still in awe, quite frankly, of the Helms-Biden bill and the ability of the Senate and House to reach agreement on the arrearages question, I think you were necessarily constrained because you are, after all, members of the legislative branch. While I have no doubt that the conditions that are part of the Helms-Biden legislation will have a substantial and salutary effect, I do not think, unfortunately, they ultimately really get to the main problem, which is the enormous dysjunction in the U.N. system between voting power on budget questions and the

contribution of financial resources. One nation, one vote on budget issues is a system which is broken and cannot be fixed.

I think there are two alternatives. One is to move toward what was once called the Kassebaum-Solomon approach of basically \$1, one vote, the other, the approach that I prefer, is to move toward voluntary contributions. I think some of the best-run U.N. agencies are funded voluntarily. I think that competition among U.N. agencies to be better run and better managed, and thus encourage more contributions from the United States and other Governments, would be a good thing. I think we have seen that voluntary contributions or systems of replenishments, as in the international financial institutions, can work effectively, and I think the more we talk about moving toward a real system of fully voluntary contributions, the better a 20 percent assessed American share will look.

Finally, Mr. Chairman, the fourth priority is to ensure that in our use of international organizations they do not assume governmental functions. You spoke at length yesterday about the International Criminal Court. There are a number of other examples of such institutions and treaties that are under consideration or under debate. I think from the point of view of American foreign policy, preventing the assumption of governmental authority by international organizations has been and should remain our highest priority.

I appreciate the opportunity to be here, Mr. Chairman, and wish you and the committee good luck.

[The prepared statement of Mr. Bolton follows:]

#### PREPARED STATEMENT OF JOHN R. BOLTON

Thank you, Mr. Chairman and members of the Committee, for the opportunity to appear before you today at this field hearing to testify about the appropriate role of the United Nations and other international organizations. I will summarize my prepared statement, which I ask be included in the record, and would be pleased to answer any questions the Committee may have.

#### INTRODUCTION

For the third time in a century, the United States is having a serious debate about its place among the nations of the world. The first two of these debates (after World Wars I and II) concerned proposed American participation in specific international organizations (the League of Nations and the United Nations, respectively), and touched only lightly on larger issues. The ongoing third debate, by contrast, after the successful conclusion of the Cold War concerns precisely these larger issue of whether and to what extent America's freedom of action internationally and its own internal governance—in effect, its sovereignty and its constitutionalism—will be constrained by international agreements and organizations.

Although the prevailing conventional wisdom is that America was wrong to reject the League and right to embrace the U.N., these two debates and decisions were then and are still now seen largely through the narrow lens of internationalism

versus isolationism. Today's debate has far greater implications for the United States. It is more than a foreign policy debate because it also involves basic answers to the fundamental question: "Who governs?"

#### OVERVIEW

Whether the League of Nations could have prevented World War II even with American membership is of mostly historical interest, but there is no doubt that our membership in the United Nations failed to prevent the Soviet Union from launching the Cold War. Indeed, starting with the 1946 debate over the withdrawal of Soviet troops from northern Iran, and the first Soviet boycott of the Security Council, the U.N. was the scene of many classic Cold War confrontations. Americans still vividly remember Soviet Premier Nikita Khrushchev pounding his shoe on his table in the General Assembly, or the display in the Security Council of dramatic photographs of Soviet missile facilities in Cuba in 1963.

There is near total agreement that the Cold War brought gridlock to the Council, and rendered it largely (although not totally) incapable of fulfilling its original mandate in the U.N. Charter "to maintain or restore international peace and security." For the United States and its allies, the key lesson was that the unrealistic promises of "collective security" had failed yet again; strong political-military alliances such as NATO and an independent American nuclear deterrent replaced the increasingly hollow words of the U.N. Charter both to protect our liberty and to prevent "the scourge of war."

During the 1960's and 1970's, while the Security Council remained largely frozen, anti-Western and anti-American majorities in the General Assembly, egged on by the Soviets, regularly and enthusiastically trashed our values and integrity and assaulted our world leadership. They attacked our friends, such as in the General Assembly's 1975 Resolution equating Zionism with racism. They undermined economic freedom by endorsing collectivist dreams to force a global redistribution of wealth such as the "New International Economic Order," often through the multifarious U.N. specialized agencies. And all the while, the U.N. bureaucracy grew like a coral reef—no planning, no management, no goals, yet apparently blessed with eternal life. The U.N. had become, as Senator Daniel Moynihan desecrated it, "a dangerous place."

By the mid-to-late 1980's however, the combination of a much stronger U.S. defense and foreign policy posture and the advent of "new thinking" in Soviet policy caused substantial change in the possibilities for the United Nations. The U.N. Secretary General helped negotiate a truce in the Iran-Iraq war that helped protect oil supplies from disruption in the Persian Gulf; free and fair elections were held in Namibia, leading it out of apartheid and into independence; and the U.N. played a constructive role in helping to end Cold War conflicts in Afghanistan, Angola and Central America.

Most dramatically, in November, 1990, the Security Council authorized the use of force to repel the Iraqi invasion of Kuwait, only the second time in the U.N.'s history (Korea being the first) where the Council had acted along the lines envisioned by the Charter's drafters. After the American-led forces won the Persian Gulf War, the U.S. persuaded the Council to take unprecedented steps to strip Iraq of its capabilities in weapons of mass destruction, provide compensation to the victims of its aggression, and maintain economic sanctions to encourage Iraqis to remove Saddam Hussein from power.

The lesson seemed plain, for some at least: where there was a vital U.S. interest at stake, and vigorous, persistent U.S. leadership, the U.N. could play a useful role as an instrument of U.S. foreign policy. However, many U.N. supporters immediately drew a different conclusion, arguing that the organization was now fully

functional as envisioned in 1945. This erroneous but widely shared misreading coincided with the 1992 election of President Clinton, whose central foreign policy initiative was known as “assertive multilateralism.” This redirection from a perceived “unilateralist” impulse in U.S. policy sought to channel more and more U.S. diplomacy through the United Nations and its specialized and technical agencies. Ambitious new “peacekeeping” activities were launched in such places as Somalia, where the Clinton Administration, though the U.N., tried its hand at “nation building.” For the first time ever, the Security Council created international war crimes tribunals for former Yugoslavia and Rwanda, and urged the creation of a permanent war-crimes court. Multilateral negotiations on environmental matters and many other political, economic and social policy questions previously thought to be of largely domestic concern, were stepped up.

The Clinton Administration’s “assertive multilateralism,” however, led directly to tragic failures in Somalia, political ineffectiveness and military incompetence in Bosnia, and the collapse of the post-Gulf War regime to weaken and isolate Iraq. It led also to several ill-advised arms control agreements, politically fashionable but militarily flawed agreements such as the Landmines Convention, unprecedented and far-reaching new international bodies such as the International Criminal Court, and potentially catastrophic environmental agreements such as the Kyoto Protocol. Even initiatives thought buried in the 1980’s re-emerged. The Law of the Sea Treaty was revived, U.N. specialized agencies began reconsidering the possibility of international regulatory roles, and new proposals for international tax schemes to fund U.N. activities (and thus to remove funding from the decisions of member governments such as the United States) appeared.

#### THE IMPORTANCE OF INTERNATIONAL GOVERNANCE AND ORGANIZATIONS

Although the failures of U.N. peacekeeping have received the most media and congressional attention, it is really the broader treaty and policy manifestations of “assertive multilateralism” that are the most troubling and have the most profound implications for the United States. Of critical importance here, we deal not with traditional “alliances” such as NATO, which have limited and clearly defined objectives, but typically with organizations (and treaty regimes) of “universalist” membership, whose core objectives include membership for virtually every state.

America’s interests in this broad arena are so diverse, and the threats so numerous that policymakers and analysts can often lose sight of the larger philosophical battle. There are, to be sure, some vital areas where globally-based institutions have and will continue to provide important venues for the pursuit of American national interests, such as advancing free trade and preventing international crime and terrorism. But both within the United States, and especially in Europe, more and more intense efforts are underway to constrain the roles in international affairs of nation states in general, and to constrain the United States in particular.

This is the battleground of the third fundamental debate in a century about America’s relations with other nations, and it marks a significant change in the way Americans have to think about foreign policy, at least, as we hope, if they intend to maintain traditional concepts of constitutionalism and independence. These fundamental American interests can be described in three ways: (1) preserving our ability to make critical policy decisions within the democratically-accountable structures of the Constitution, and not losing this capability to international organizations; (2) within those multilateral organizations where we are members, preserving and enhancing our political, military and economic national interests, especially the one just mentioned; and (3) within such organizations, maintaining an appropriate American leadership role while safeguarding against unfair financial and other burdens.

What happens or not in the U.N. and other international organizations depends largely on critical political and economic developments at national and regional levels. For purposes of this analysis, their common importance stems from their often-simultaneous implications for U.S. national interests and sovereignty both in foreign policy and in domestic affairs. It is this relatively new, shared context that American decision-makers in the new century must bear constantly in mind.

#### PRIORITIES FOR U.S. LEADERSHIP

Within this framework, American key priorities in the “international system” should be:

1. *Treat international organizations as potentially useful tools of American foreign policy, not as the preferred (or only) vehicle.* Even within their increasingly apparent limits, international organizations can play helpful roles in certain foreign policy contexts to help advance U.S. interests. In the Persian Gulf War, for example, the Security Council’s authorization to use force to repel the Iraqi invaders of Kuwait was both an important political success, both internationally and in the domestic effort to convince Congress to do likewise. Nonetheless, it does not follow from the Persian Gulf example that we should always or even frequently invoke the Security Council when our vital interests are at stake.

This logic is very much in doubt. In May, 1999, during the air campaign over Yugoslavia, U.N. Secretary General Kofi Annan insisted that “unless the Security Council is restored to its pre-eminent position as the sole source of legitimacy on the use of force, we are on a dangerous path to anarchy.” A few months later, in his annual report to the U.N. membership, he said that actions such as Kosovo, undertaken without Council authorization, constitute threats to the “very core of the international security system.” Both of these statements are flatly incorrect. They are unsupported either by the language and background of the U.N. Charter, or by over fifty years of experience of the Charter’s operation.

Nonetheless, substantial segments of “the international community” and many Americans fully believe that the Clinton Administration acted illegitimately or even “illegally” under “international law” in conducting military operations over Yugoslavia without express authorization by the Security Council. Within the next decade, we may well see other conflicts where the United States must decide whether and when to act, unilaterally or in concert with a few other countries, without first obtaining “approval” by the Council. The pattern of our behavior during this next decade, therefore, might well determine whether Secretary General Annan proves correct, or whether we maintain the capability for independent—and, where necessary, unilateral military or other action. As a matter of “first, do no harm,” if nothing else, our policy in international organizations must preserve America’s independent capability for action to protect its interests.

2. *Where the United Nations or another international organization is chosen as a tool of our policy, the United States must be prepared to lead the organization to our objectives.* We have learned repeatedly that the U.N. as an entity neither has, nor should it have, the capability for independent action. It and other international organizations function as the agents of their member governments, and no more. Assuming these lessons as prerequisites, it follows that we entrust responsibility for an important undertaking to the U.N., the United States must understand that it alone has the possibility to lead the effort to a successful conclusion. It is unwise both as a matter of broad policy as well as tactically to assume that someone else will have either our best interests at heart, or our unique national assets necessary to be effective.

Although there are many examples of this point, the most important has undoubtedly been the fate of the U.N. Special Commission on Iraq’s weapons of mass de-

struction (“UNSCOM”). When the United States provided clear leadership, during both the Bush and Clinton Administrations, technical support and overall policy leadership, UNSCOM achieved significant progress in eliminating Iraq’s WMD capabilities. While far from perfect, UNSCOM stood nearly unequaled as a non-military example of international cooperation. When, however, the Clinton Administration ceded our de facto leadership of UNSCOM to the Secretary General, its effectiveness evaporated, and the entire Iraq WMD-control regime collapsed. UNSCOM’s failure proves beyond dispute that if the United States is not prepared to lead those ventures that it entrusts to international organizations, it simply cannot count on them being protected through difficult periods, or being implemented effectively in calmer times.

3. *Financing and governance structures in the U.N. system must change so that American interests are better reflected.* Under the rubric of “sovereign equality,” voting in most U.N. bodies reflects the “one-nation-one-vote” system. Simply as a matter of mathematics, this approach typically puts the United States at an enormous disadvantage. It did so during the Cold War when the Communist bloc and the Non-Aligned Movement (“NAM”) routinely outvoted the United States and a few close friends on issue after issue. Even after Communism’s demise (and the consequent irrelevance of the NAM), these voting patterns continued. Nowhere are they more important than in financial decision making, since most U.N. agencies allocate the monetary burdens of membership through purportedly mandatory “assessments,” or percentages of each agency’s budget that members are “required” to remit annually. The United States’ share (derived under a complex and antiquated formula) is typically twenty-five percent, easily the largest share of any member government. The temptations for the minor (indeed, tiny) contributors to increase agency budgets and require the large contributors to meekly pay up has, over the years, predictably proven completely irresistible. Indeed, many Western countries, and even the United States itself, have often shown a lack of budgetary discipline.

But the plain fact is that financial decision-making in the U.N. is broken almost beyond repair. It is the enormous disjunction between voting power and financial responsibility that has caused so much of the dissatisfaction within Congress that we see reflected in the withholding of U.S. assessments, and the attendant creation of large “arrearages” which have been the subject of so much recent debate. Instead of simply acquiescing to demands that the U.S. “pay up,” or remaining at loggerheads over the disputed amounts, potentially forever, Congress has sought to impose a variety of conditions on the payments both of the accumulated arrearages and the regular assessments. Such legislative restrictions are, of course, the only alternative for Congress, but we should also consider steps that might be taken if a more realistic and hard-headed President were to assume office in the near future.

The long-term solution to America’s Gulliver-like position in the U.N. system is either to change the one-nation-one-vote approach on financial matters, or to replace the system of assessments with voluntary contributions. Neither of these alternatives will be easy, and both will require a long-term commitment and considerable diplomatic effort. Indeed, ultimately, neither may be obtainable. But if the United States is unwilling to make a substantial effort, the present pattern of dissatisfaction and frustration will simply continue indefinitely, and, in short order, call into question the utility of continuing our Sisyphean efforts at U.N. “reform.”

4. *Prevent the assumption of “governmental” authority by international organizations.* Since the end of the Cold War, there has been considerable commentary and a commensurate level of international activity to create new multilateral structures and regulatory frameworks to constrain nation states. For example, a variety of arms control agreements such as the Chemical Weapons Convention and the Landmine Convention have created new international norms and regulatory secretariats.

The Kyoto Protocol, if implemented, would result in profound changes in the domestic policies of many signatories in the field of energy policy and economic policy more generally. In June, 1998, negotiators signed the Statute of Rome, which created an new International Criminal Court with purported jurisdiction over war crimes and crimes against humanity. In Europe, the members of the European Union have been consciously and deliberately ceding sovereign authority to the European Commission in Brussels.

Several of these new agreements and structures have required signatories to undertake changes of constitutional dimensions in their domestic political arrangements, and many have done so willingly. Indeed, many believe that there is a global trend toward the disintegration of the nation-state, reducing its autonomy and independence of action, in favor of authority being transferred increasingly to multinational bodies. The United States has, quite properly, not been a participant in this exercise. What we can observe of its course to date, however, demonstrates that inevitably accompanying the trend toward integration is the loss of democratic accountability, and the weakening of national constitutional structures and protections without their replacement by adequate substitutes. In countries, even in democracies, where elite-driven politics are the norm, this pattern may be acceptable, but it should not be acceptable to Americans.

International organizations and governance topics cut across a wide range of regional and functional topics without fitting comfortably into either. As such, they have often received inadequate attention in both policy analysis and decision making. While heretofore, the costs of relegating these issues to a secondary role have not been enormous, that calculus is changing. We can improve policy making considerably simply by being more conscious of the precedent-setting effects of foreign policy decisions that, in the long term, might compromise American sovereignty. But much also depends on an enhanced awareness in the post-Cold War era that America's unique experience with constitutional democracy now faces a new challenge, which we ignore at our peril.

The CHAIRMAN. Well, we are honored to have you here, and I thank you. Mr. Luck.

**STATEMENT OF EDWARD C. LUCK, EXECUTIVE DIRECTOR,  
CENTER FOR THE STUDY OF INTERNATIONAL ORGANIZATION,  
NEW YORK UNIVERSITY SCHOOL OF LAW AND THE  
WOODROW WILSON SCHOOL OF PRINCETON UNIVERSITY,  
NEW YORK, N.Y.**

Mr. LUCK. Thank you very much, Mr. Chairman. I, too, would like to submit my statement for the record and just note a few key points now.

The CHAIRMAN. Absolutely, without objection.

Mr. LUCK. First, I would like to join the others in complimenting you on coming up to New York City. Sometimes we have the impression that all of Washington is moving to New York, and we consider this quite a compliment, and we are pleased to see it is happening on a bipartisan basis as well.

Now, I would say, Mr. Chairman, that while I hope very much that the bill that you and Senator Biden and others worked so hard



to bring about will offer a new era in U.S.–U.N. relations, I must temper my optimism with five rather large caveats.

First, whether the other member States will accept all of these benchmarks and conditions is still an unknown. Second, will other member States follow our example and start withholding? Ambassador Holbrooke mentioned the problem with the Japanese Diet. There could be others who do this for reasons that might not be terribly friendly to our own interests.

Third, I wonder whether future Congresses might say that the U.S. got so many concessions from other member States by this withholding, let us do it again, and for other conditions. Maybe you have started a pattern, and maybe we will have many chapters, not just one chapter, being opened now.

Fourth, I wonder if this is really going to help the fundamental problem in U.N. reform, which is that the member States simply do not agree on an agenda. There has been a fair amount of movement in the Secretariat, but other member States, as you know, are very resistant to being told what to do, or otherwise we will withhold additional funding.

And finally, some of the provisions of your bill relate to other U.N. agencies that are autonomous, that have their own budgets, their own leadership, their own member States, and yet the U.N. would be penalized if they do not follow the U.N.'s example, and that, I think, could be a problem.

Now, where does this lead us? Let us assume that all of this is accepted, that all of this moves in a positive direction. I would suggest a six-point agenda of where we might go from here on matters that are really fundamental.

First, and this is a chapter from Senator Hagel's book, is the whole question of looking for a bipartisan approach. It is very hard in our country right now for anyone to say that he or she represents the views of all Americans. We are deeply divided on these issues.

Now, maybe you succeeded in your legislation because there was not a large public debate, but partly because of that, I do not think that we have healed these divisions throughout the public, and I believe there is a need for much more discussion between right and left and between Republicans and Democrats on these issues. We simply have to be able to speak with one voice in international fora.

Second of all, Mr. Chairman, you pointed out one of the right topics yesterday on the question of sovereignty. I would agree much more with Senator Biden's approach. I do not think our sovereignty is so threatened, but I do believe that this is a fundamental issue

that needs to be dealt with very seriously, and I take your writings and comments on this with a great deal of seriousness.

Third, I think we ought to recognize that multilateral cooperation generally is burgeoning in field after field after field, and all sorts of institutions and arrangements are being created at the same time that we are squeezing the U.N., especially the central U.N.

It is like there is a very diverse, vague universe out there, and the U.N. is a rather small piece of that. The Secretary General has relatively little control over what is happening more generally, so if you are worried about sovereignty, if you are worried about such things, it may not be in the U.N. Secretary General's control to do very much about it.

And here I would disagree with John—it is very unusual that I would ever disagree with him, of course—on the question of voluntary funding, and I know, Mr. Chairman, that you have written yourself that you favor most funding to be voluntary. We are moving in that direction anyway, I believe somewhat unfortunately, as the wealthier States pick and choose among particular priorities, and particular programs that they care about at the moment.

And what you end up with is most of the funding being extrabudgetary, most of the funding in that way is not really planned, it is not systematized. We have a lot of *ad hoc*-ery, and that makes it very, very difficult if you are trying to reform the system, because you do not really have control over the money, and you cannot really plan in a systematic way what is going to happen.

Now, added to this, I would say fourth, we have to pay more attention to non-State actors. The U.N. was set up as the quintessential intergovernmental body, but more and more of the interesting things that are happening are outside of Governments, and important things. So the question is, how do you bring non-State actors into the dialog, how do you let them have a voice without destroying the system and giving them a vote? That very much remains to be seen.

Fifth, I would suggest that we need much more discussion about how the international community goes about enforcing decisions of the Security Council or of other bodies. Now, we have heard some of the dilemmas about Kosovo. Well, we are going to hear about those more and more in other places down the road.

There is fundamental disagreement now about who should be on the Security Council. A number of member States are even challenging whether the veto ought to be kept, or whether there ought to be many countries with the veto. Economic sanctions are very

controversial because of the humanitarian effects. Military action is very difficult for the U.N. in any sensible way to mount.

We have seen even this week a very divided Security Council, and the harmony that we saw at the end of the cold war has not lasted very long.

Finally, Mr. Chairman, let me suggest that we really need a new *modus vivendi* between the United States and the other member States. The old system is breaking down. The question really is about power and decisionmaking. We may talk about budgets, we may talk about reform, but fundamentally it is a question of power within the system, and on the U.S. part we have to decide whether we are ready or not to live within the rules, to live within the system. Basically, I think your legislation is saying no, we could not get what we wanted through the system, so we did it our own way.

I think the other member States have to decide whether or not they are ready to accommodate American power, because if there is such a dysjunction that American power outside the organization is not reflected inside the organization, that could be very bad both for the U.S. and for the world organization.

So with this, let me say that I think we ought to have a new international political compact to go along with a new domestic one. Thanks very much.

[The prepared statement of Mr. Luck follows:]

PREPARED STATEMENT OF EDWARD C. LUCK

Mr. Chairman, you and Ambassador Holbrooke should be commended for transporting your distinguished Committee to New York to see first hand the United Nations at work. For those of us who have long fretted over the communication gaps between Congress and the world body, we trust that you have managed to trim at least a few miles from the seemingly endless distance between New York and Washington. I am also pleased to see, whatever our differences on the specifics, your continuing effort to raise the public visibility of U.N. reform issues.

In my brief comments today, Mr. Chairman, I would like to raise a few questions about the future of U.S.-U.N. relations and the prospects for deeper U.N. reform. Now that the Helms-Biden provisions have become law and the first payments on U.S. arrears to the U.N. have been paid, there may be some reason for tempered optimism, though with some very large caveats, as follows:

- First, there is no guarantee that the other U.N. member states will accept the multiple conditions, or benchmarks, for the second and third years of arrears payments under the bill. Particularly onerous, in their view, are the unilateral demands for a reduced U.S. share of the regular budget and peacekeeping costs and for setting aside more than one-third of U.S. arrears in a contested arrears account. Others may well seek off-setting concessions from us in return for bowing to these demands.
- Second, down the road other member states could well follow our lead and begin to condition their U.N. payments on various benchmarks that we find obnoxious. Now that America's traditional adherence to the legal standard that

assessed contributions should be paid on time, in full, and without conditions has been abandoned, what will be the long-term consequences for the integrity of the principle of collective responsibility and for the viability of international institutions?

- Third, what lesson will future Congresses learn from this episode: that the more they impose unilateral withholdings, the more concessions the other U.N. member states will make? Based on the current precedent, will there be further rounds of withholdings and acrimony in the years ahead, diverting attention from the urgent task of finding a common platform for building a stronger and more effective U.N. system?
- Fourth, it is hardly coincidental that the Secretary General has been far more forthcoming in terms of initiating and implementing reforms than have the other member states. Our unilateral withholding tactics have been counter-productive in terms of persuading other sovereign countries that the reforms we seek can benefit their national interests as much as our own. It should have come as no surprise that other states have been reluctant to accept changes pressed on them by publicly announced and unilaterally imposed financial pressures. As a result, the progress on the secretariat side has not been matched by inter-governmental agreement on the more fundamental questions of priority-setting and restructuring.
- Fifth, we need to be careful not to mix apples and oranges. The law would punish the central U.N. for the sins of independent agencies, specifically the ILO, FAO, and WHO, which have their own budgets, memberships, and governing bodies. Likewise, we have given the cause of U.N. reform a bad name—in the eyes of others—by mixing needed improvements, such as strengthening the inspector general system, adopting sunset provisions, and increasing transparency and accountability, with our understandable desire to reduce our national payments to the world body.

Let me assure you, Mr. Chairman, that I am not calling for a rollback of the legal provisions that you, Senator Biden, Ambassador Holbrooke, and others have worked so hard to achieve through the give-and-take process of legislative compromise.

The question at hand, however, is how do we proceed from here? The first step, in my view, is for Americans of different political persuasions to begin a serious dialogue on what kind of a U.N. our nation wants and needs in this new century and on what we are prepared to contribute to the realization of our vision. For much of the past century, partisan and Congressional-executive differences have left our nation with a muffled and ambivalent voice in international fora. Hopefully your efforts to build bipartisan support for the Helms-Biden provisions will mark a turning point.

In twelve months, our nation will have a new President and a new Congress. They will need to be vigilant in working with the Secretary General on consolidating the management gains that are underway. But they will also have the opportunity of engaging the other member states in a more far-reaching review of the functions, priorities, structures, and decision-making processes of the world body. The member states are deeply divided on these strategic matters, but they are also acutely aware of the dangers of institutional drift and marginalization. As much as they resent our withholdings, most of them recognize that only renewed American leadership can point the way toward a revitalization of the world body.

Over the past decade, while surface-level reforms absorbed our attention, both the U.N. and the conditions in which it operates were undergoing some fundamental changes without the guidance of any blueprint or plan. Multilateral cooperation is burgeoning in field after field, spurring the creation of countless organizations and arrangements. Yet many of the most consequential, such as the WTO, have been

placed outside of the U.N. system. We have insisted that the central U.N. contract year after year in terms of staff, of real spending, and of authority. Those who prefer voluntary to assessed contributions—even for peacekeeping—have largely won the day. The regular budget now covers less than one-fifth of U.N. system-wide spending and extra-budgetary outlays far exceed those that are assessed. More and more, the wealthier countries—and even private donors such as Ted Turner—are bypassing the regular budget process to fund unilaterally selected program initiatives. As a result, ad hoc priority setting is coming to replace coherent planning and truly multilateral decision-making. Consequently, the pieces are prospering and the center is fading.

At the same time, transnational non-state actors of all kinds—NGOs, PVOs, research communities, the media, the private sector, religious and ethnic movements, and the unsavory elements of uncivil society—have been playing a larger and larger role in shaping the choices and priorities of public policy in a period of cheap and instantaneous global communications. Most of these groups, moreover, act largely beyond the jurisdiction and oversight either of national governments or of the U.N. Given these trends, what hope does a wounded United Nations have of taming this vast, undisciplined universe of transnational organizations and arrangements, which are composed of an ever-changing mix of governmental, semi-governmental, and non-governmental actors? Nevertheless, the Secretary General does his best to achieve greater coordination within the U.N. system. But the larger picture is that the world, and the multilateral system in its image, is restructuring itself in ways that we barely comprehend, much less control.

Perhaps this is as it should be: change without reform, adaptation without planning. For a dominant power, like our country, it may be just as well to let the pieces fall where they may, to bend or ignore the old rules as circumstances dictate, and to champion the virtues of ad hocism and expediency in the name of realism and pragmatism. But the price, at some unknown future juncture, may be greater than we can imagine at this time of exceptional power and wealth. Half a century from now, our children may well regret our lack of foresight, our reluctance to try to consciously reshape the system when we have the power, when we are in the driver's seat. If not now, when will the time be ripe?

Mr. Chairman, though I have begun to explore these themes in my recent book, *Mixed Messages*, I would not pretend to have any quick, easy, or sure answers to the dilemmas and challenges before this Committee and before the United Nations. But of two things I am reasonably confident: one, that we will not be able to get where we want to be by drifting and squabbling among ourselves; and two, that we will not find the right answers until we begin to pose the right questions.

Thank you, again, Mr. Chairman, for the opportunity to raise these issues with you and with your distinguished colleagues.

The CHAIRMAN. Very well. Thank you, sir.

Now then, Bertie and I are going to work out a little timing situation here. We are going to give you 5 minutes for each question, including the Chairman and Vice Chairman, but I will have him put on the red light just briefly at the end of 4 minutes and then go back to green, and you have got 1 minute, and then we will have to cut you off, because these folks want to get home, and certainly I do, too. So if you will mind, no preface, if you will just ask your questions and be done with it, that will work out fine.

All right. Here we go. Have you got it, Bertie? Good.

Recently, Mr. Bolton, as you mentioned, Secretary General Kofi Annan publicly proclaimed that only the United Nations Security Council can legitimately authorize the use of force in international affairs. Now, I came out of my chair when I read that myself. Specifically he stated, and I am quoting, "unless the Security Council is restored to its preeminent position as the sole source of legitimacy on the use of force, we are on the path to anarchy." End of quote.

Now, I think the world of Kofi Annan, but I just wonder if you think that his doctrine infringes on the sovereignty of individual members of the United Nations to pursue policies that are in their national interest.

Mr. BOLTON. Well, to the extent that that view were to prevail within the United Nations, I think it would be very harmful to the United States. That has never been the view, to my knowledge, of any American Secretary of State or Secretary of Defense. It has never really been proclaimed, as far as I know, by any other U.N. Secretary General.

I do not know what motivated the Secretary General to say it. It is a flat and unequivocal remark, and I am constrained to say just as flatly and unequivocally it is wrong. We should reject it. We should say publicly that we reject it, and we should make it clear that if that is his thinking, he ought to think again.

The CHAIRMAN. Mr. Luck.

Mr. LUCK. Well, I think there is a little bit of wiggle room in the charter with Article 51, which recognizes the right of self-defense of individual nations. I think the view he was expressing is that of a purist on the U.N. Charter. I am not sure I would always agree with John on this, but I do think in fact over time we have seen member States interpret the charter rather flexibly, and this is one of those places.

It obviously helps our international legitimacy if the Security Council agrees and if other member States participate, but I would not restrict American use of force simply to the times the Council could agree, because we first had our problems in the cold war, now we are having another set of problems and differences on the council.

The CHAIRMAN. Maybe sometime we could have a debate on that.

The second question is for you, sir. Many nations still consider the United States a dead-beat Nation, even after enacting a plan to pay \$926 million to the United Nations, the Helms-Biden bill, tied to long-discussed common-sense reforms.

Now, how can the United States be called a dead-beat when it has contributed so much to U.N. peacekeeping operations and mili-

tary missions pursuant to Security Council resolutions, and that amounts, John, to more than \$8.7 billion, according to the General Accounting Office.

Mr. BOLTON. Well, I think that this impression that somehow the United States' objections to payments for certain obligations to which it has objected represent a breach of faith by the United States with the organization, thus making it a dead-beat, is really something that has poisoned relations between the members of the United Nations and the United States.

The fact of the matter is that the allocation of assessments is fundamentally a political question within the General Assembly, and the idea that a majority of nations can decide what our share is and then when we, for good and sufficient policy reasons, do not vote it, that that is somehow has put us in breach of our obligations, I think is a canard.

It is part of the problem with the entire system of assessments, which when you can count year after year after year on 25 percent from the United States and 31 percent for peacekeeping, creates a kind of welfare entitlement mentality, and the way to break it is to move to voluntary contributions.

The CHAIRMAN. I want to give Mr. Luck a bite at this question.

Mr. LUCK. Here, I would depart a bit from John and I am afraid from your viewpoint as well, Mr. Chairman. We have a preference in this country for doing things voluntarily. We do not like being told that things are assessed, or that they are obligated. Most other member States and most other parliaments, on the other hand, prefer to say there is an international bill, we have a treaty obligation, and therefore we will pay it.

It does seem to me that it is not really fair for us to do certain things militarily around the world and then to say, gee, coincidentally our action supported a U.N. operation and now you should recognize this as part of our obligation. I believe that peacekeeping costs ought to be assessed, and we ought to pay our dues. If we provide support for U.N. operations directly, then we should be, and are supposedly, reimbursed for those. But if we decide to have the Sixth Fleet deployed in the Mediterranean or in the Persian Gulf and it happens that the U.N. also has a problem with Iraq, perhaps because we help to persuade the Security Council to pass a resolution, it does not mean it is only their concern and we are just doing them a favor. This happens to be a place where our actions coincide with the U.N., and our interests coincide.

The CHAIRMAN. Good. Thank you.

Senator Biden.

Senator BIDEN. Thank you very much. I notice, Mr. Chairman, you were explaining the clock. The only people who fully understood it in the room were the lawyers, because they understand how abrupt the Supreme Court is in 5 minutes. They cut you off in mid-question. So we are a kind compared to them.

Mr. Bolton, Mr. Secretary, I read your statement. I do not have time now, but I think you engaged in a little bit of revisionism on Somalia, and in Bosnia relative to Clinton and Bush, but I am going to write you a note as to why I think it is different and we can discuss it.

[Senator Biden's statement on the points referred to above follows:]

#### ADDITIONAL STATEMENT OF SEN. BIDEN

Mr. Bolton's prepared statement contains some assertions that amount to historical revisionism. The record should be corrected.

First, he suggests that the Clinton Administration launched the U.N. peacekeeping mission in Somalia. The truth is that the U.N. mission in Somalia was "launched" in December 1992 under the authority of U.N. Security Resolution 794 (1992), at the end of the Bush Administration. To be sure, a Security Council resolution was passed in March 1993—in the first months of the Clinton Administration—that started a new phase of the peacekeeping mission. But the Somalia expedition began under President Bush.

Second, he implies that Clinton Administration policies "led directly . . . to political ineffectiveness and military incompetence in Bosnia." True, the Clinton Administration's policies on Bosnia left something to be desired in the initial years of President Clinton's first term—and I said so at the time. But the foundation for this policy was poured during the Bush Administration, which made a decision to yield leadership on the Yugoslav crisis to the Europeans. The war in Bosnia, it will be recalled, commenced in April 1992. It is an undisputed fact that the UNPROFOR mission was established during the Bush Administration; the weak mandate of UNPROFOR was sanctioned and countenanced by President Bush's administration.

Moreover, it was the Clinton Administration that launched the NATO air strikes against the Bosnian Serbs in September 1995, which played a key role in rolling back Bosnian Serb battlefield gains and in ending the fighting. It then convened the Dayton peace talks, which yielded the diplomatic settlement that, while far from perfect, still offers the best chance for lasting peace in Bosnia and Herzegovina.

Senator BIDEN. I do not think you have to worry about there being any debate on the Secretary General's statement about the sole source of sovereignty is the Security Council. Nobody in the Senate agrees with that. There is nothing to debate. He is dead, flat, unequivocally wrong, and both, I would say to Mr. Luck, who I agree with a great deal more than I you do, John, we have been through this exercise for years, that I cannot even figure how one gets that interpretation from the document, unless we had put into effect the provision of the U.N. which calls for the ability to establish a multinational force in advance. We have not done that, so it does not even get into play. It is a statement that an over-



exuberant politician like I am might make on another matter, but I hope he did not mean it if he did. I love him, but he is flat-out wrong. There is nothing to debate. We totally agree on that.

Now, let me suggest and ask you, Professor Luck, you indicated that there were four pieces, five pieces of concern you had and six prescriptions for how to proceed. The prescription to proceed is the need for a bipartisan foreign policy. My colleagues might not agree with this, but I truly believe that the Helms-Biden bill was as much an effort to resolve within the Senate and the House and reach a bipartisan consensus among us where we, the U.S. Congress, both parties, stood relative to the United Nations.

So I think it is important to look at this from two places, and I really mean that, not merely the empirical evidence that supports the following conditions requirements and provides the following money, but it took a long way to get there. It took us 3 years. 3 years. And the fact that he and I cosponsored together and fought for and got a majority of both the House and the Senate to be with us on this is, I would argue, a first start, a first step in reestablishing some bipartisan consensus.

The second point I would like to make and ask is a question, before my time is up, and that is, you indicated there were five concerns. I share your concerns about whether or not we can get it done, whether or not we started a precedent followed by the Japanese Diet and others, whether or not—I am much less concerned about whether further Congresses will decide to make this a practice. I do not think that is a reasonable concern, and I do not think it is a likely concern.

But the fourth one I think is the \$64 question, and that is, the agenda. This does not solve in any way, nor do we think it would, nor did we suggest it might, the need for the member States to reach some consensus among themselves on an agenda, an agenda for the United Nations.

My question to you is, how does that process get underway? Is it bilateral, then multilateral, head of State to head of State, and then it gets to the United Nations, or can it actually in any way be generated from within the U.N.?

Mr. LUCK. Well, having watched the intergovernmental discussions for a number of years now at the U.N. on reform, I do not think you simply put it into a committee of 188 member States and expect something great to happen on the other end. I think you need a coalition of States, and from different parts of the world, not just with our normal favorite allies, but people from Africa, Latin America, Asia, whatever, trying to find some common ground, and then work it from there.

The first big hurdle was getting over the U.S. arrears, because half the discussion was about the United States, not about U.N. reform. Then the question is finding a positive agenda, because I think we have been looking at reform as a negative, as a sort of punishment for the U.N. We need to have a more positive agenda that others can buy into, and then I think there would be a possibility, but it will not be quick or easy.

Senator BIDEN. And by the way, we are not all moving to New York. We came to New York because we know most New Yorkers do not recognize there is a Washington. They still think New York is the capital of America. I understand that. That is one of the reasons why we came.

Mr. LUCK. I assumed it was Friday, and everyone wants to come to New York when it is weekend time.

The CHAIRMAN. Senator Hagel.

Senator HAGEL. Mr. Chairman, Mr. Bolton wanted to respond.

Mr. BOLTON. I just wanted to say briefly I am happy to have the Biden corollary to the Helms speech yesterday.

Senator HAGEL. Mr. Chairman, Thank you.

The CHAIRMAN. Senator Hagel.

Senator HAGEL. Gentlemen, thank you. We are always grateful for your testimony and your thoughts.

A question for each of you. Obviously, over the last 50 years the scope of U.N. activities, programs, commitments, obligations, and responsibilities has widened considerably. My question is, is the U.N. trying to do too much? Mr. Bolton, would you like to start?

Mr. BOLTON. Well, I think the answer to that is yes, and I would address it in two ways. First, I think both in the United Nations itself, and in the specialized agencies, that there is simply too much emphasis on economic and social questions covering a wide variety of fields that are best left either to regional organizations or to the nation-states themselves. I think one of the reasons for budget bloat over the years is that economic and social programs in the U.N. system have grown like a coral reef, utterly without plan, and without constraint. Until that mentality changes you are fundamentally going to get a leaner United Nations.

But second, the United Nations is only a reflection of its members' will, or at least it should be, and what has happened, and I can certainly testify to this from my own experience at the State Department, is a temptation by governments, looking at a problem that they know they cannot solve or will not solve, to be able to say, "well, let us have the United Nations get involved." This is a very serious problem.

I think in peacekeeping operation after operation, when member Governments, for good and sufficient reason, have not been willing or able to engage themselves because they did not consider it in their national interest to do so, they have been willing to say, well, let us have a U.N. peacekeeping force, let us have some U.N. involvement like that, in part because they know that the United States would pay for 31 percent of it. I think that has got to change, too.

Senator HAGEL. Thank you. Mr. Luck.

Mr. LUCK. I think the U.N. is trying to do too much, because the member States do ask it to do more and more, and I would point out that there is a little paradox, because we, too, in this country ask the U.N. to do more. At the same time, we are asking it to do so with fewer resources and fewer people, and at some point it has just got to be spread too thin.

Second, I think there is a fundamental problem of priority-setting in the organization. Any business with 188 members on its board of directors from all over the world is going to have a problem setting priorities. It is a real difficulty in the organization.

One of the things I did like in the Helms-Biden legislation—there are many things I do not like—but one thing I did like is that it does flag the need for sunset provisions, and that is very important. I worked on a staff basis for the committee trying to eliminate some of the underbrush in the General Assembly, some of the subcommittees and whatever. Quite frankly, we went through scores and scores and scores of them, but there was always some country that wanted each body to be continued, some State, and so it was continued.

But I must say, this idea of only operating and deciding by consensus, that makes choosing so difficult, was something that the U.S. wanted because of the budgetary question. We insisted that there be consensus-based decisionmaking, and now this is the downside of that, because if one or two countries get up and object, you do not have a consensus, and you cannot get rid of things, so we might rethink that one as well.

Senator HAGEL. Thank you.

Mr. BOLTON. Can I just add one point on that, and that is, I think the limits of consensus budgeting have been reached, and I think it may well be appropriate to go back and have votes if we are going to have an assessed budget, and let us see how those votes shake out.

Senator HAGEL. Thank you. Mr. Chairman.

Mr. BOLTON. Mr. Chairman, could I beg your indulgence? I have a commitment. I have got to get to Dulles Airport to pick my wife

and daughter up, and I am looking for a cab driver in New York who is going to, within the limits of the law, get me to La Guardia quickly, so my apologies. I thought we might start earlier, but I have enjoyed the time.

The CHAIRMAN. I understand. We thank you for coming, John.

Mr. BOLTON. Thank you.

Mr. LUCK. I think he did say that I could speak for him. [Laughter.]

The CHAIRMAN. Russ Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman.

Other countries, Mr. Luck, have suggested reforms for the U.N. that are clearly not included in Helms-Biden, and one area that I think you referred to is the composition of the Security Council. Could you comment on some of those ideas, and what you think of the course that should be taken?

Mr. LUCK. Well, one of the things that really worries me is that, if you look at the majority of member States, their idea of reform goes exactly in the opposite way that we probably would want.

Most member States feel that they are in an organization that the U.S. dominates. They do not feel that the organization is somehow controlling the U.S. they see it the other way around, and many of them would like to limit the prerogatives of the five permanent members. Many of them are very resentful of the veto. Many of them would like to see more committees be committees of the whole, so that everyone gets a voice. This is a very, very deep and difficult problem.

If you get a Security Council that, let us say, has 25, 30 members in it, and you move up from 5 vetoes to 7, 10, whatever different formula is come up with, the harder and harder it is going to be for that Security Council to act, because more and more States will be saying not here, not there, not somewhere else. The biggest problem now is not that the U.N. is too powerful, but that it is too weak. One of the reasons that it is too weak is because you cannot get agreement on these kinds of things, and I fear that things are going to be more and more difficult in the Council in the future.

Senator FEINGOLD. You are obviously done a lot of research, and you are a qualified observer about the U.N. You have had occasion to search through U.N. records and speak with U.N. employees in order to further your research. In your experience, how transparent have you found the organization's financial and administrative practices to be? Is it a culture of openness and accountability, or is it one of secrecy?

Mr. LUCK. Well, I would say on the program side, in activities, the organization has become more open and more transparent. On the question of budget and accounting questions that you are asking, it is very, very difficult. I am not sure it is intentionally that way, but it is a rather opaque organization. Part of it is that the very structure of the U.N. is so complicated, and there are so many different pieces, paid for under different budgets, and by different member States, that it is very, very hard to go to one place and get a single answer.

I do believe that Joe Connor, who will be speaking shortly, has done a very good job of trying to bring a rationality to the accounting, to the budgeting system of the organization; but, I must say, a lot of member States do their best to work around that. In fact, I think this one does sometimes as well, and I would say that transparency is not the first characteristic that comes to mind when you think about the budgetary system within the United Nations, or the personnel system, for that matter.

Senator FEINGOLD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Grams.

Senator GRAMS. Thank you very much, Mr. Chairman.

Mr. Luck, just a couple of quick questions dealing with the concerns over the creation of the International Criminal Court.

It appears unlikely that the Clinton administration will be able to find a way to provide 100 percent protection to U.S. military personnel and thus will not be able to sign on to the court. Are you concerned, however, that the administration will practice benign neglect, or maybe even worse, that it will support Security Council referrals to the court? I was going to address this to Mr. Bolton, but you can speak in his behalf, if you would like. [Laughter.]

Mr. LUCK. I sort of regret what has happened with the diplomacy and the politics relating to the International Criminal Court, because I think there is a very good, worthy objective there, but I believe somehow the advocates got a little out front of what the politics would bear, and maybe this administration was not quite on top of it as much as it might have been at the beginning.

I think there are a lot of protections in the statute, so I am not as worried as some are on this committee about the threat that it would be to American servicemen. There are a lot of remedies in there, but I do feel very awkward about a court that could come into being before the U.S. and even other major powers, in fact, have ratified and become parties to it, that somehow we would have to be living under a system that we had not yet approved of. It would have been better if they had pulled back and slowed up the negotiations until the politics began to catch up with it.

We could have used more public debate on it, but I do not think, when you talk about Security Council referrals, that this administration has been in any way naive about it. I believe that they are very realistic about it, but that they got on top of it rather late. I hope that the process can be slowed down enough so that we can begin to catch our breath and begin to build a broader political base for it.

Senator FEINGOLD. I would like to also just ask one question dealing with the U.N. and duplications that we have talked about, and the whole purpose of a lot of the reforms of the Helms-Biden bill, but in the introduction to the Secretary General's reform proposal, he stated that the major source of institutional weakness in the United Nations is that certain organizational features have become, and I quote, fragmented, duplicative, and in some areas ineffective, and in some areas superfluous. Which organization's features at the United Nations, or the United Nations, do you believe could be labeled as superfluous?

Mr. LUCK. I am not sure. That is a question of individual member States' and one's judgment. I do agree that some of the economic and social things are not that central, but I am like a typical American. I believe more in the political and security side of the organization.

A great deal of member States, however, do put a lot of stock in the economic, social, and development side of the organization, and we have to recognize that this is not our organization. It is an organization of 188 States and they are pulling in somewhat different directions.

The main problem is not so much picking one or another piece to eliminate, but rather that the decisionmaking structure, particularly in the General Assembly, could be simplified enormously if you could get rid of a lot of this underbrush that I mentioned before.

It would help if you could do more things through smaller coalitions and smaller groups. If there was enough transparency and enough confidence, then more of the member States would allow these smaller groups to work on things. But they feel every time that the U.S. is going to control it, the U.S. is going to dominate it, along with the other major donors, and so they all want to be there, and pretty soon the bodies get bigger and bigger, and it is harder and harder to make choices.

Coordination in the system is not improved by our efforts to weaken the center of the United Nations, especially since the U.S. has supported the creation of many, many little pieces. Sometimes we have to get coordination together in Washington as well, so that

you do not have different agencies of the U.S. government, different departments, favoring particular aspects of the U.N. system that answer their particular interests, and that includes in economic and social and other areas. If we do not get our act together, we cannot expect the U.N. to get its act together.

Senator GRAMS. Could this be number six I think you mentioned, agenda?

Mr. LUCK. Yes. To me, it is a never-ending central piece, and Helms-Biden did touch on this. I somewhat regret that Helms-Biden puts our particular national interests, such as reducing our assessment, together with fundamental reforms that you and others have worked on, so much in terms of questions of transparency and accountability and lack of duplication and other things, because they are really two different agendas.

One is an agenda that is good for everybody. The other is an agenda that is basically good for us. People forget that there are some things on the accountability side, on sunset provisions and other things in that bill that are extremely valuable, but because they are attached to our unilateral efforts to get our dues down, they tend to dismiss them.

Senator GRAMS. Thank you. Mr. Chairman.

The CHAIRMAN. Mr. Luck, Mr. Bolton understands this, and I would suggest to you that we will leave the record open for Senators present and who are not able to come today to submit questions in writing, and we would appreciate your responding to them in writing.

Mr. LUCK. I will be happy to.

The CHAIRMAN. Oh, just a minute. That is my boss back there. He is a good one, too. But—and I am going to ask unanimous consent at this point that, inasmuch as this is the first meeting of the Senate Foreign Relations Committee outside of Washington, that all the testimony be printed, and if you will respond to questions, and John and of course the Ambassador knows that procedure.

Mr. LUCK. If he is slow, I can write his answers for him.

The CHAIRMAN. Pardon me?

Mr. LUCK. If he is slow, I will be happy to write his answers for him. [Laughter.]

The CHAIRMAN. Now, John.

Senator WARNER. Mr. Chairman, given the hour and the need to move on—this has been an excellent presentation by Mr. Bolton and Mr. Luck—I will put my questions into the record. I thank the chair.

The CHAIRMAN. All right. This has been an interesting afternoon for me, beginning with the luncheon. We have a third panel.

Let me see. I am going to read exactly what was handed me. On the third and final panel, Mr. Connor and Mr. Ruggie will be joined by Ambassador Hays at the table for discussion, and I apologize for the late start. I am trying to keep everything straight here under unusual circumstances.

But thank you, sir, for coming. I enjoyed your testimony.

Mr. LUCK. Thank you.

The CHAIRMAN. Thank you so much, and is there any further business to come before the committee? Hearing none, this—what did the Ambassador call it?—this historic meeting of the Foreign Relations Committee comes to an end, and we stand adjourned.

[Whereupon, at 4:20 p.m., the committee adjourned.]



**An Informal Discussion Among Members of the Committee and Hon. Donald Hays, U.S. Representative to the United Nations for United Nations Management and Reform; Joseph Connor, Under Secretary General for Management; and John Ruggie, Special Advisor to the Secretary General.**

The CHAIRMAN. Please forgive the lateness of the hour. Now we will hear from the distinguished Under Secretary General for Management, Mr. Connor, in the middle there, and the Special Advisor to the Secretary General, Mr. Ruggie, and Hon. Don Hays. Do you want to proceed with a statement? All right. I am getting whispers in my ear. They do not have formal statements. All right. OK.

This is a good question. Mr. Connor, isn't the toughest reform necessitated by Helms-Biden a change in the assessment scale, and what is your answer to that, first.

Mr. CONNOR. The toughest reform I am dealing with, Mr. Chairman, is the managerial reform, to reform the personnel system. We no longer want 90 percent of our staff members rated as outstanding. I never met that group of people.

The second is to turn the budget around, to concentrate on what the member States get for the money they give us. We need productivity measurement, we need output measurement, we need a consciousness that money should result in value. That is the second.

Let me say that that has led to a second and a half. I do not believe you can accomplish reform without budgetary pressure. We did a lot of this ourselves. You helped along the way. The budget when I joined the organization in 1994 was \$2 billion, 532 million for a 2-year period. It is down \$100 million over a period of 8 years, because we are budgeting ahead.

Now, to reduce by \$100 million, you have to cut \$340 million worth of real costs, fewer people, fewer meetings, fewer travel, fewer reports. We did that. That does not mean it is over, but frankly I think one without the other, budget pressure and reform, without the two of them together, you get nowhere. We have measured that.

Let me answer a question that was directed to Ambassador Holbrooke. Extrabudgetary people are people paid for by somebody who wants an extra service. It is not assessed. The Nordics asked us to do lots of things extra, and they paid for it themselves. That is extrabudgetary.

Another type of extrabudgetary, the Secretary prepares the United Nations Development Programme (UNDP) and the United

Nations Children's Fund (UNICEF) payroll. That is efficient. That is an extrabudgetary, because we bill them for the service, so we really focus on how many people we have on the staff.

When we began the reform we had about 10,000 people on the regular budget. We are down by about 750 today, but that is a remarkable achievement when you ask us to do more all the time.

Senator, let me thank this committee, let me thank the U.S. Government. You contributed \$700 million last year to this organization, and the last \$400 million was after October 1, and you paid it by December 31 and, indeed, the loss of a vote is off the table by \$50 million. We open the mail very fast every day in December.

I must also say that others were looking for your lead. We were delighted to receive the Japanese payment of \$155 million in the last month.

Now, we have got problems in Kosovo. I do not think that—

The CHAIRMAN. May I interrupt you, sir?

Mr. CONNOR. Of course. Excuse me.

The CHAIRMAN. I want to followup on my original question, and I do not have a whole lot of time. What do you plan to do about a situation where we have more than 90 U.N. members pay only 1/1000th of 1 percent of the budget, less than half the Secretary General's salary paid by each. Do you plan to do anything about that, or try to?

Mr. CONNOR. The regular budget basically reflects each member State's share of the world gross national income. No bells and whistles. That is about what it is. The smaller countries get a discount that adds up to 10 percentage points of the scale, and that is largely paid for by the European Union, Canada, Australia, and Japan.

The U.S., because it is capped at 25 percent, is slightly under its share of world gross national income, so what goes on within the scale is basically the extension of willingness to pay a little bit more than GNP by a large number of member States so that an even larger member State component can get somewhat of a discount. That is basically what the scale is.

The CHAIRMAN. With full respect, sir, may I take that as an answer of no to my question?

Mr. CONNOR. Mr. Chairman, I have forgotten what your question was. Excuse me for doing that.

The CHAIRMAN. Are you going to do anything to correct that situation?

Mr. CONNOR. I think that the scale has got to be looked at very carefully, and I am delighted that that is going to happen this year.

The CHAIRMAN. One other problem I am going to ask you about, and I will leave you alone. What do you plan to do, if anything, about a Security Council member with one-fifth of the population of the world, and of course I am talking about China, paying less than 1 percent of the United Nations budget?

Mr. CONNOR. I think that renegotiations of the scale of assessment, while we have an interest in seeing how it comes out, that basically is something that gets agreed by the member States, and I heard carefully what Ambassador Holbrooke said. This places the ball in his court. I think it is in a very capable set of hands, and I think he will meet equally capable hands on the parts of the other member States.

The CHAIRMAN. I thank you, sir. My time is up.

Senator Biden.

Senator BIDEN. Mr. Connor, I should know the answer to this. I do not, and if you do not, maybe your colleagues do.

If the present assessment is roughly based upon the percent of GDP, or GNP, the world GNP that each national occupies, or contributes, was this always the measure? Realizing the cap on the United States, was this always the measure? Was this the measure in 1950 and 1952 and 1955 and 1957 and 1960? Do you know?

Mr. CONNOR. I think with the exception of what I call the reallocation between less-developed countries and the developed ones, exclusive of the United States, the answer is yes.

Senator BIDEN. I find that amazing, because relative to the rest of the world, in 1952 the percentage of the GDP that the United States contributed, or made up, and what the Europeans made up, has to have been different, substantially different than it is today.

Mr. CONNOR. The scale started, Senator, with the U.S. picking up 40 percent at the beginning.

Senator BIDEN. So it was different.

Mr. CONNOR. No, it was—yes. It was capped in the beginning, it is capped now, and the pattern was that as the U.S. share of gross national income went down over that long period of years, the cap was lowered, and the last time it was lowered was, as mentioned by Ambassador Holbrooke, about 1973, and the U.S. share of gross national income—

Senator BIDEN. It was lowered to what, though?

Mr. CONNOR. Somewhere in the thirties, I believe, low thirties, so it has dropped several times.

Senator BIDEN. Well—I do not have any more questions.

The CHAIRMAN. Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you. Gentlemen, welcome, and we are grateful that you would come and spend some time with us today.

Mr. Connor, in light of the numbers that you presented, the decrease in the budget, the decrease in manpower, I am going to ask you essentially the same question that I asked the previous panel.

Do you think the U.N. should be doing a better job of prioritizing its resources and programs to meet the challenges of our time? Essentially, is the U.N. doing too much? After you answer that, would you give this panel some projections on how U.N. budget resources will be matched against its commitments and programs? Thank you.

Mr. CONNOR. Thank you, Senator. The member States define too generally what they want us to do. The priorities are like an elastic band. We need more specificity.

Within a zero-growth budget we were able to allocate about \$17 million to what we perceived to be their highest priorities, and they went along with that. Now, the overall program—Secretary General initiated this, and I followed through—cut the administrative costs and reprogrammed to programmatic outputs. Of course, everybody has his idea of how to get the extra money, but we did, with no increase in the budget, give more to crime, give more to drugs, give more to human rights, give more to peace and security—we had a whole list. But because the budget is on a zero-growth basis, that, of course, makes limits.

But I will continue to cut administration. I must also say that we look for that to feed programmatic imperatives much more readily in the next couple of years.

Senator HAGEL. Do you anticipate having to increase dues or obligations over the next 5 to 10 years, as you project this out?

Mr. CONNOR. We cannot stay on a zero-growth budget indefinitely. I think that probably is—but I think we can make major re-allocations following the program that I outlined, and then I think that if we are being asked to do something more and something different, the member States will either have to accept or not, but 8 years of no-growth, most years down, and at worst level, that is not a bad record from which to start the process of credibility with the member States as to delivering value. That is what I would try to do.

Senator HAGEL. So you think that your budget, and projections of that budget, match the obligations the member States want to do.

Mr. CONNOR. Yes, I do. Yes.

Senator HAGEL. Thank you.

The CHAIRMAN. Senator Feingold.

Senator FEINGOLD. Mr. Chairman, the hour is late, so I will just ask one question. I wanted to at least mention today, on a day when we focus on U.S. reform, the issue of criminal tribunals.

When Ambassador Holbrooke and I were in Kigali with the deputy prosecutor of the International Criminal Tribunal for Rwanda we had quite a meeting, and I have been a strong supporter of the tribunal, but I was very disturbed to learn in that meeting that while reforms and improvements have been made, and there have been some inroads in terms of Arusha, that the tribunal was very plagued by inefficiencies, and I am especially concerned what message this sends in the future to those who would commit such incredible atrocities as occurred in Rwanda. Why can't the U.N. do a better job in reforming this critically important entity?

Mr. CONNOR. Three or four years ago, as a result of an OIOS report, very strong corrective actions were taken in changes of people, addition of administrative types, the hastening of construction of a third courtroom—a lot of what I would call corrective actions were taken. We are getting mixed signals today. A lot of the comments that you made are now coming across my desk and the Secretary General's. We are following the situation, determined to make those corrections which seem to be right and responsive to known deficiencies, and that is being pursued actually this week.

Arusha is tough. Kigali is even tougher to do this with. One thing we have corrected is that we substantially filled up all the posts that the member States have allowed us to fill, so getting the number of people and the right type there, that is now under our belt, and we will see if that corrects the situation. There may be a need for more senior personnel changes.

Senator FEINGOLD. I was informed by the prosecutor there that one of the issues may be overstaffing in some places, so I hope you will just take that into account as well.

Mr. CONNOR. Well, I have to answer that, Senator. The prosecutor went before the Budget Committee and pleaded for more resources.

Senator FEINGOLD. There is a disconnect here.

Mr. CONNOR. So I go to these meetings—and we got those additional resources.

Senator FEINGOLD. I think his reference was with regard to Arusha, rather than Kigali, but I am not absolutely certain. But we have to followup on it. Thank you for your answer.

Mr. CONNOR. Thank you.

The CHAIRMAN. Senator Grams.

Senator GRAMS. Thank you very much, Mr. Chairman. The questions I had for the fourth panel I think I will move them up to this panel, if I can.

Mr. Ruggie, talking about sunset provisions, I know the Secretary General has proposed to impose sunset provisions on new organizational structures and/or major commitments of funds. Why not some of the existing, or why aren't all programs at the U.N. brought under the same things, and should be sunset? By the way, I am a strong supporter of that in the U.S. Congress under our programs, and I am wondering why the U.N. would not also take a look at this.

Mr. RUGGIE. Senator, the Secretary General's proposal was conceived of as a first step. It was not intended to be the only step, but as you well know, we had difficulty getting even that first step approved in the General Assembly. We keep trying, and we hope that we succeed, but it was never intended simply as a—as a forward-going measure it was intended to affect all programs, and all new institutional structures.

Senator GRAMS. Do you see further debate on this in the future as far as expanding the sunset provision into existing programs?

Mr. RUGGIE. Well, we are still trying to get the first step implemented. Yes.

Senator GRAMS. All right. Mr. Connor, when you talk about a no-growth budget, according to OIOS millions of dollars continue to be wasted in U.N. peacekeeping operations because of poor financial oversight and weak internal controls, amounting to about \$900 million over a period of time. Is that also an area that you are going to have great concern about, or looking as to how to get rid of some of the waste and abuse that maybe is in some of these programs as well?

Mr. CONNOR. Senator, OIOS has identified about \$10 to \$15 million worth of savings each year since they have been instituted, so I am a little bit lost with the larger number that you gave.

Most of the deficiencies, most of the savings had also been identified as originating in peacekeeping. The administrative controls are clearly in a state of installation and then implementation, and that causes some gaps, and the backup at headquarters has been consistently needed and has been given.

You ask how many people are in peacekeeping on the backup side. Back in the height of the peacekeeping, 1995 or thereabouts, we had 600. We are down to about 325 at this time. It is probable that we cut the core too much, and I think that is the best answer I can give to your question.

Senator GRAMS. Mr. Connor, I meant that \$900 million was acquisition and not waste, so my apology on that. Your numbers are right, but you know, there is indication we have no idea what is owned by the U.N.; because inventory records are inadequate, so there are concerns about inventory as well as waste in the budget when it comes to peacekeeping.

Mr. CONNOR. Well, Senator, we have established Brindisi to recondition used and bring back up to good quality an inventory. We had very few, if any, losses of that inventory in Brindisi. We have recycled one peacekeeping mission's equipment for the next one, and to that extent we have worked pretty effectively, but I am sure we have not—you know, if you are a driver in a peacekeeping mission on a 90-day contract and the mission is going to be shut down, and you are going to be out of a job, we lose some trucks. They drive off with them. It will happen.

Senator GRAMS. Mr. Hays, before we close, I would just like to get you involved in this as well, but it was my understanding that under the Kassebaum-Solomon bill that the U.S. must join in the consensus for every major budget decision. How was your decision to disassociate from the consensus on the budget outline consistent with that obligation of Kassebaum-Solomon?

Ambassador HAYS. I think that with regard to the last budget, my understanding, and certainly I checked this with the Department before I made a decision on how to act, was that we had an understanding between the Secretary, the administration, and the Hill, that we were going for Zero Nominal Growth [ZNG] whether or not it was in the legislation. Therefore, when we were not able to meet specifically the ZNG, I could not join; because it would have been a breach of that agreement and understanding between us.

Senator GRAMS. Could that have been required to have a no-vote, rather than—

Ambassador HAYS. It would have required us to go to a no-vote, and I preferred not to go that way, given the fact that I saw no support for our position of absolute ZNG.

Senator GRAMS. OK. Thank you very much, Mr. Hays. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Warner.

Senator WARNER. Thank you, Mr. Chairman.

First, Mr. Connor, I looked through your distinguished biography. I think we are fortunate you have taken this on as another career.

Mr. CONNOR. Senator, I love what I am doing every day over there. It may belong, but—

Senator WARNER. That is marvelous.

Mr. CONNOR [continuing]. —helping the organization and helping the member States, it is kind of fun.

Senator WARNER. We spoke with the Secretary General, as you know, this morning on the subject of Kosovo, and you were about to give some views of your own here a few moments ago when we had to, time-wise, attenuate your response. Have you had that opportunity to give us your views?

Mr. CONNOR. I am worried about the money on Kosovo. I did not know how much it was going to cost back in July when the Security Council voted for it, and neither did anybody else. We put out a quickie assessment for \$125 million. We had only collected a fraction of that by the time we got to December, and then on that happy day, the American money came in and the Japanese money came in, and we have now collected \$117 million out of \$125 million, but that was supposed to be for the 6 months that ended December 31.

Now we have got another assessment out, and practically nobody has paid, and that brings it up to what we really need for the full year. That is another \$250 million. The U.S. has not yet paid that, so we have a consistent lag, and this bothers us. We are stretched all the time. We do things we should not do. We borrow money from the regular budget to float peacekeeping. We then pay it back. We mix it between peacekeeping missions, the ones that are not as active.

I said it in the financial presentation. The U.N. is running on empty, and we have got many miles to go, and most of those miles are coming in emergency situations that Ambassador Holbrooke and members of this committee are very, very worried about.

We have collected relatively few of the pledged voluntary contributions, so as the financial manager of the organization, I am doing a lot of things that I spent 40 years with Price Waterhouse learning not to do, and that is inevitable, so it is very important that we complete the Helms-Biden.

Senator WARNER. Well, this translates into a tremendous amount of human suffering which is taking place.

Mr. CONNOR. Yes, sir.

Senator WARNER. You know that, and also I think an added risk to the men and women of the Armed Forces of our Nation and many others, and this is what concerns me, and one of the main



reasons that I was so pleased to have the opportunity, with Chairman Helms, to come up here.

Now, Mr. Ruggie and Ambassador Hays, this subject of the gratis personnel in the department of peacekeeping, could you give us a little status report on that? First, the politics of it. Is it still very contentious? Is it working? Given the enormity of the task just in the Balkans, and those that are being viewed in relation to the importance of Africa, where are we on the curve of adequacy and the politics?

Do you want to answer a little bit, Mr. Ruggie?

Mr. RUGGIE. I will come in after Ambassador Hays.

Ambassador HAYS. First of all, I think the gratis personnel are still going on in the field, but the question is whether or not we can meet the demands of the peacekeeping efforts without having some sort of surge capacity back here at headquarters.

We have been asked in the budget for additional personnel for DPKO. That was given. It is still not enough. We still have to have a certain talent background, a talent mind set, an experiential background to deal with these types of operations, so as you heard in previous conversations, other nations are providing that, not at the headquarters level but within capitals. For instance, we are providing it in the Pentagon. They are providing it in Great Britain, in London. They are providing it in Paris.

We believe that there may be a way to provide this surge capacity without running into conflict on the political issue of differentiating between haves and have-nots. There are a number of nations who do not have a lot of wealth but have good, solid military capabilities, and they would like to be able to contribute that capability to these sorts of efforts.

They were the ones that came forward and said, we think gratis personnel leaves us out in the cold. You wealthy nations get to play and we do not get to play.

I think we can cobble together a solution that will incorporate both concerns, and we are working on that diligently.

Mr. RUGGIE. Senator Warner, you have been raising all day long a series of very, very important questions, and in fact Ambassador Holbrooke posed it as this may be the last chance for the United Nations to demonstrate its utility in the area of peacekeeping, and I think he may be right, but we really need your help.

When we are now assigned a mission, the Security Council adopts a resolution. Many times the resolution is, to begin with, ambiguous, because it is a political compromise.

Ambassador Holbrooke referred to Resolution 1244 on Kosovo, which leads to very different interpretations on the part of member States, just what it means in terms of the ultimate sovereignty and independence of Kosovo vis-a-vis the Federal republic, so a clear mission is a prerequisite. You would not send troops into the field without a clear mission. A clear mission statement is an absolute prerequisite.

Second, we need to have some advanced planning capacity. Once we get an assignment—for example, let us say we are told we need to place 5,500 policemen, or whatever the case may be, in Kosovo. We do not know who these people are. We have got to find them one by one in member States. We have got to come to the U.S. Government, to individual States, to localities, to find them.

When we are assigned a mission, we do not have a headquarters unit that we could sort of plunk down in the field to prepare the ground.

One of the reasons we do not have those things, Senator, is because of political opposition in some of the member States, and it touches on the sovereignty issue that you have all talked about today. To some people this conjures up fears of a United Nations army doing nasty things in the world, and challenging the sovereignty of member States.

It does not, Senator. These are national troops. These are national policemen. But what we do need is the capacity to do some rational forward planning if we are to get into the field more quickly, if the people who go into the field are to have had any experience in talking to each other beforehand, and working together, and having some common sense of what they are supposed to accomplish. We really need your help in that regard, all of you, and member States elsewhere, if we are going to pass the test that you say we now face.

Senator WARNER. Thank you.

Senator BIDEN. Mr. Chairman.

The CHAIRMAN. Sure.

Senator BIDEN. Would the committee indulge me for 2 minutes?

The CHAIRMAN. Absolutely.

Senator BIDEN. I would like to followup on the issue of the ability to have at the Secretary level this planning for military expertise made available.

I do not want to be argumentative or provocative here, but isn't one of the reasons why the smaller nations that do not have the wherewithal to make a financial contribution but have a military capability did not like the way it was being run is they wanted to

get paid more? This is a money-making, legitimate money-making proposition for them.

The opposition was not merely to a NATO-dominated or a U.S.-dominated or a Brit-dominated or a western-dominated military capacity, because there is no question they are the most capable in the world, none. Zero. None. Is it not about whether or not they get to be reimbursed for peacekeeping?

I do not blame them for that. I understand that, and they are competent, but how much of it—and maybe you are—the reason why you are not a formal panel is, you represent an international organization, and we have no right to call you before us, and you are gracious—you are gracious to come before us for this informal discussion. You may not want to informally answer the question, but if you would, I would appreciate it. How much of it relates to the issue of needing cash?

Ambassador HAYS. Since I represent you and not the U.N.

Senator BIDEN. Yes, you do.

Ambassador HAYS. I will be happy to answer from our point of view.

From our reading, our discussion, this is both a jobs concern and a representation concern. First of all, our gratis personnel were viewed, because they were 2 and 3 and 4-year tours, as a replacement for permanent positions, and therefore doing other people out of jobs, you are absolutely right, out of jobs both here and overseas.

Second, there was a concern that there was not a wide enough distribution of these jobs to ensure that we built a credibility in certain parts of the world that all nations were participating.

And last, there was a concern that because these people represented nation-States and not the United Nations, that the U.N. did not buildup the expertise on a permanent basis to handle these activities.

We feel, and I think many of the folks who provided the gratis personnel, that these were surge capacity personnel. Perhaps they stayed too long, but we need surge capacity as well as permanent capacity.

Senator BIDEN. Well, let me conclude by saying I want to thank you for coming, but when we talk about the contributions to peacekeeping all nations make, it is pointed out, accurately, that some smaller nations provide a disproportionately high, relative to population and income, share of peacekeeping.

I want you to know that most Americans would be overwhelmingly delighted for them to do more, and they are not, in fact, making a sacrifice the way it is laid out to be, because of the reim-

bursement side. They are making a personal sacrifice. They are risking their personnel. That is real. That is genuine. But it is not like any are coming kicking and screaming into service. They want to come into service.

The only reason I mention that is for the American audience that is here, is to understand that. Those of my liberal friends, who I am often counted as one, who say well, you know, they do so much more—they do so much more because they want to do more. They want to do more.

So let us get the record straight here. This is not a matter of smaller nations saying, oh my God, we are being called into service. We do not want to do this. They say, send us more. It is an employment operation.

And I again in no way diminish their capacity, their bravery, their credibility, or their commitment, but I just think it is important we look at the whole here, and so when we are told how the United States of America is on a per capita basis really not doing much more in terms of peacekeeping than other nations, as they say where I come from, give me a break. Give me a break.

So I honor their commitment, but let us make sure we understand that part of it relates to the need for employment, and we are never going to get it right, I suspect, until we are able to have you have some kind of planning capacity, some kind of ability to know ahead of time what is going to happen, and with all due respect, we are never going to get that, not just from us.

I mean, I happen to think you should. I will send you my article on it, as I say, but I am a minority of one in that prospect, so get ready for contingency.

The CHAIRMAN. You are not a minority of one. You may be a minority of two, but I agree with you.

Let me ask you a question, gentlemen. First of all, if a little more planning had been done, I would have moved you ahead, because you represent the information that we absolutely need. My question is, would you accept a fair number of written questions from Senators who are here, and maybe a few who are not here? Would you do that?

Mr. CONNOR. We would be very happy to, Senator. We have answered questions from GAO and other aspects, parts of the U.S. Government. We would be delighted to give any information we can.

The CHAIRMAN. Well, I appreciate your saying that, and I am going to give you one or two myself, but in any case, this is very important testimony.

It may not make the front page of the *New York Times* tomorrow morning, but it is the guts and feathers of what is wrong, or perceived to be wrong about the United Nations, and I personally appreciate your coming here. I wish we had more time, and I am going to get you on the telephone one of these days and see if you will come down to Washington and let me buy you some bean soup in the Senate dining room.

Mr. RUGGIE. It would be our pleasure, Senator.



## APPENDIX

---

### RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD BY MEMBERS OF THE COMMITTEE TO THE UNITED NATIONS SECRETARIAT

#### QUESTIONS FROM SENATOR HELMS

##### *Assessment Scale*

*Question.* In my mind, the toughest reform necessitated by the Helms-Biden legislation is a wholesale restructuring of the assessment scale for Member States' dues. China is on the Security Council as a permanent member. But it pays only 1 percent of the UN budget. Is that going to change? And what is going to be done about the 90 countries who pay just one one-hundredth of 1 percent of the budget?

*Answer.* The bedrock of the calculation of the scale of assessment is each country's share of world gross national product (GNP). That main element is then adjusted to reflect a number of economic factors, the principal one of which is a country's per capita income. Another adjustment is the ceiling assessment rate of 25 percent.

As the attached schedule shows, the reduction benefiting one group of Member States must, of course, be compensated for by increasing the assessed rates of other countries. In the attached schedule, this reallocation falls mainly to Japan and the countries of the European Union, whose rates were adjusted upwardly to compensate for the lowering of others.

As for the minimum assessment rate, or floor, this was reduced to 0.001 percent in the current scale of assessments, for 1998–2000. This reflected the fact that the previous scale, for 1995–1997, assessed a number of smaller Member States at many times their share of the total national income of the membership. It was estimated, for example, that the 0.01 percent assessment rate of Sao Tome and Principe in 1995–1997 was over 35 times higher than its share of the total national income of Member States.

The scale of assessments for the period 2001–2003 is due to be discussed at the resumed session of the General Assembly in March, the Committee on Contributions in June and the General Assembly again in the autumn. The final results of this consideration will probably not be known until the end of the year. It should be noted, however, that they will be affected by two factors: updating GNP amounts and decisions to be made about assessment scale methodology—including, notably, consideration of the low per capita income adjustment and the ceiling. Work on collating the GNP data is currently under way and a lively debate can be anticipated on the scale methodology.

#### United Nations—Comparison of Gross National Product (Base Determinant) To Adopted Year 2000 Scale Rate

Top 20 Contributors	GNP <sup>1</sup>	2000 Scale Rate	Reduction <sup>2</sup>	Increase
United States .....	26.156	25.00	–1.156	
Japan .....	17.287	20.573		3.286
Germany .....	8.283	9.857		1.574
France .....	5.500	6.545		1.045

United Nations—Comparison of Gross National Product (Base Determinant) To Adopted  
Year 2000 Scale Rate—Continued

Top 20 Contributors	GNP <sup>1</sup>	2000 Scale Rate	Reduction <sup>2</sup>	Increase
Italy .....	4.569	5.437		0.868
United Kingdom .....	4.279	5.092		0.813
China .....	3.107	0.995	-2.112	
Canada .....	2.295	2.732		0.437
Spain .....	2.177	2.591		0.414
Brazil .....	1.979	1.471	-0.508	
Russian Federation .....	1.618	1.077	-0.541	
Netherlands .....	1.371	1.632		0.261
Mexico .....	1.265	0.995	-0.270	
Republic of Korea .....	1.255	1.066	-0.249	
Australia .....	1.246	1.483		0.237
India .....	1.176	0.299	-0.877	
Argentina .....	0.965	1.103		0.138
Belgium .....	0.928	1.104		0.176
Sweden .....	0.907	1.079		0.172
Austria .....	0.791	0.942		0.151

<sup>1</sup> Country percentages of total world Gross National Product (GNP).

<sup>2</sup> Reductions are mainly the result of the low per capita income adjustment. The reduction for the United States results from the established ceiling of 25 per cent. Increases above GNP are solely the result of the need to absorb the reductions given to other countries.

*Kofi Annan's Reforms*

*Question.* The Secretary General called for a biennial budget of \$2.655 billion—some \$120 million above the 1998–1999 budget. How committed is the Secretary General to reform? Or is putting the brakes on growth of spending not a fair test of the Secretariat's commitment to reform? As the architect of the Secretary General's reform proposals, do you think their implementation has been a success or a failure? How so? Have the Secretary General's reform initiatives run their course and run out of steam?

*Answer.* The purpose of reforming the UN is to strengthen the institution and to prepare it to meet the challenges of the future. It is also an exercise to assure that the mandates given to it by its membership are performed effectively and efficiently within the resources that are appropriated for those ends.

The Secretary General is committed to this goal. As a result of his reform initiatives there is a new sense of UN cohesiveness, especially in relations with the Programmes and Funds. The establishment of a Senior Management Group adds greatly to this new dimension. The Group includes the heads of various departments, programmes and funds and meets weekly to discuss overall policy issues that affect everyone. Members in Geneva, Vienna, Nairobi and Rome participate through videoconferencing.

Yet to be approved are the proposals to adopt specific time limits for new mandates and to institute a results-based budget system. These proposals will be taken up when the Fifth Committee of the General Assembly resumes its session in March and again in May this year.

Concerning the budget, the Secretary General proposed a figure of \$2,535.6 million before recosting. It reflected the preliminary estimate for increases due to exchange rates and inflation, which were initially forecast to be around \$120 million.



Subsequently, and closer to the adoption of the budget in December 1999, that figure was revalued downward as a result of favourable exchange rates. Also, real resource reductions were made in the preliminary budget proposals. Thus, at the end of the day, Member States approved a final budget for 2000–2001 totalling \$2.535 billion—which is virtually the same as the previous biennium budget.

#### *Sustaining UN Reform*

*Question.* What steps are most important to sustain reform in the UN? For instance, what steps need to be taken to monitor and measure UN programs' effectiveness? And what can we do to pull the plug on UN programs which have either fully achieved their discrete aim or have failed miserably?

*Answer.* Reform should be embedded in every activity of the organization.

To meet this objective, the Secretary General has established a Strategic Planning Unit, which is responsible for identifying emerging global issues and trends, analysing their implications for the roles and working methods of the United Nations, and devising policy recommendations for the Secretary General and the Senior Management Group.

In addition, every department and office in the Secretariat is carrying out management reviews to enhance their ability to accomplish objectives in the most cost-effective manner possible while strengthening services to Member States.

The aim of shifting the UN program budget from a system of input accounting to results-based accountability will meet monitoring objectives. Under this new approach, the General Assembly, through its relevant Committees, would specify the results they expect the organization to achieve within the relevant budgetary constraints. The Secretariat would be held responsible for, and judged by, the extent to which the specified results are reached.

Finally, the use of sunset provisions, once adopted by the membership, will set limits on each initiative that creates new organizational structures or major commitments of funds. They would have to be reviewed and renewed explicitly by the General Assembly.

#### *The OIOS*

*Question.* Isn't the Office of Internal Oversight Services too flimsy to do much good? Isn't it too scared that it will antagonize member states with its findings? Isn't its impact limited by the fact it will not widely disseminate the findings of its investigations and audits, treating the subjects of its inquiries as clients? Isn't this one UN program which is actually under-funded—especially to hire enough investigators?

*Answer.* OIOS' record, both in terms of the reports it prepares and the formal and informal statements to the General Assembly demonstrate that it is far from "flimsy", but indeed does a lot of good. Due to its independent set-up, which is reflected in a variety of different operational procedures, it does not need to worry about antagonizing member states. Its reports testify to this independence.

The organization has consistently built up the OIOS' strength, counter to the general budgetary trend experienced by other United Nations programs. In agreeing to provide OIOS with additional resources Member States have confirmed their interest in this operation. This support shows that Member States are appreciative of its services.

The impact of OIOS investigations and audits has been highly successful. Dissemination of investigations and audit findings are directed in the first instance to those that should/can take corrective measures. Furthermore, most findings/work

products are disseminated to intergovernmental bodies, as well as in the public domain.

*Peacekeeping/Genocide*

*Question.* The UN issued two reports recently offering an analysis of its own failures in the case of the so-called “safe area” in Srebrenica and in the case of the genocide in Rwanda in 1994. What lessons has the Secretariat learned from these cases?

*Answer.* The Secretary General’s report on the fall of Srebrenica (A/54/549 dated 15 November 1999) and the report that he commissioned on the genocide in Rwanda (S/1999/1257 dated 16 December 1999) were very well received by the Member States and the public at large, and a number of observers have commented that they break new ground in the United Nations because their level of candor, sincerity, and sense of responsibility are qualities that this Secretary General brings to the table in his effort to reform the Secretariat.

As concerns the findings in the two reports, they remind us that the Secretariat and the Member States have much work to do to ensure that such tragedies are not repeated. Those findings and the measures that are required to address them will be the subject of a separate report on United Nations peace operations in general, which the Secretary General intends to issue later this year. It will focus on the areas of the Secretariat’s performance that need to be improved as well as on doctrinal issues. I should like to take this opportunity to briefly mention ten lessons learned from the Rwanda and Srebrenica tragedies that the Secretariat has drawn from these tragic events.

Four lessons regarding the Secretariat’s performance

1. *Individuals matter.* When thousands of lives are at stake, the character of senior personnel in the field is absolutely crucial. Beyond possessing the requisite technical qualifications, they must be dynamic, courageous, imaginative and deeply principled. Over the past few years, the Secretariat has been working with troop-contributing nations to evaluate candidates they put forward for the positions of Force Commander, Chief Military Observer and Civilian Police Commissioner. The Secretariat has also now been given the resources to bring such candidates to UN Headquarters for interviews.

2. *Timely and accurate information is critical.* In response to the problems encountered in Rwanda and Bosnia, one of the first things that the Secretary General did when he took office in 1997 was to change the manner in which the Secretariat interacts with the Security Council. Briefings to the Security Council are now the responsibility of program managers in the substantive departments to keep the Council better and more promptly informed of developments in the field. Briefings to troop- and police-contributing nations have now also become a matter of routine rather than an exception. This has resolved many of the problems attributed to inadequate information flow.

3. *The Secretariat’s recommendations to the Security Council must be honest and realistic.* The Secretariat must present the Security Council with frank recommendations about what is required to mount and conduct a successful operation, taking more fully into account the risks and possible pitfalls and the need to guard against setting unrealistic expectations. Since the tragedies of Rwanda and Srebrenica, the Secretariat has had occasion to set conditions for the deployment of certain peacekeeping operations and, when these were not met, to recommend against deployment (for instance, as in the case of Congo Brazzaville in 1997). Furthermore, in a recent report on the situation in the Democratic Republic of the Congo (S/1999/790), the Secretary General observed that: “in order to be effective,

any United Nations peacekeeping mission in the Democratic Republic of the Congo (DRC), whatever its mandate, will have to be large and expensive. It would require the deployment of thousands of international troops and civilian personnel. It will face tremendous difficulties, and will be beset by risks. Deployment will be slow.” Such candor will assist the Member States to evaluate and plan for the type of assistance that missions such as MONUC will require in the near future.

4. *The Secretariat needs to provide strategic guidance to the field without micromanaging.* The Secretariat can ill-afford to micromanage the field operations from a distance. The Secretariat needs to strengthen its capacity to assist the operations in times of crisis if peace processes begin to falter. The Secretariat must increase its sources of information to analyze situations in conflict zones. In this context, the Secretariat has improved its early warning capacity, and the Departments of Political Affairs and Peacekeeping Operations, the Emergency Relief Coordinator and the UN Agencies have joined together to maximize their resources in this area. Reports sent to Headquarters from the field contain information from a far wider variety of sources. Field missions now contain human rights and humanitarian components. A broader range of information is submitted to the Security Council to assist it in its decision-making. The Secretary General has also encouraged the Secretariat to forge greater links with academic institutions and policy institutes.

These few measures are indeed not enough to strengthen the Secretariat’s capacity to conduct the type and scope of independent risk analysis which the Srebrenica and Rwanda reports recommend. The Secretariat does not have an intelligence gathering capacity and is thus entirely reliant upon Member States to share such critical information with it. The Secretariat continues to face considerable resource constraints, as we see in relation to the support of operations in Kosovo, East Timor, the DRC and Sierra Leone. If the Member States want the Secretariat to play a greater role in supporting the peacekeeping operations in the field, then they must first be willing to provide it with the necessary resources.

Six lessons regarding doctrinal issues upon which the Member States’ reflection is required

The doctrinal issues related to effective peacekeeping can be summarized in two sayings which have gained currency in the Secretariat over the years: “There must be a peace to keep” and “peacekeepers should not make promises that they cannot keep nor threats they cannot deliver.” Both of these principles were ignored in the cases of Rwanda and Bosnia. From these two general lessons flow six more specific lessons, as follows:

1. *Size matters.* The configuration and size of a peacekeeping force must be commensurate with the risk that it is likely to face. Once the will of a peacekeeping operation has been tested and it fails to deliver an immediate and decisive response, its credibility diminishes exponentially and its capacity to stem the tide of violence evaporates.

2. *Sometimes having too few peacekeepers is worse than having none at all.* The Secretary General’s report on Srebrenica clearly describes how the Dutch peacekeepers in that enclave were poorly equipped and too few in numbers to repel an attack by a well-armed Bosnian Serb force. Rather than providing a credible deterrent against the Serb attack, the Dutch peacekeepers instead found themselves at the mercy of the Serbs as potential hostages, which thus diminished the UN’s ability to call upon NATO air power with full effectiveness. In short, symbolic deterrence is not an appropriate substitute for credible deterrence and can do more harm than good.

3. *Peacekeeping and war fighting are distinct activities.* The lesson is simple: blue helmets should not be used to fight a war, because they will surely fail. There are

nevertheless times when the international community must resort to the use of force in order to prevent the genocide of a people. In such instances there are options far better suited to waging war, such as a coalition of Member States under the framework of a lead nation (as in the Gulf War or in Haiti).

4. *Mandates must be realistic.* When the Security Council adopts mandates that create unrealistic expectations on the part of the local population, particularly with regard to the protection of civilians in armed conflict, this can contribute to the worst case scenarios described in graphic detail in the Rwanda and Srebrenica reports. From a practical point of view, this endangers the lives of our personnel, who come under attack by the local populace when the peacekeeping mission fails to protect them. From a moral perspective, the creation of false expectations discourages or even prevents vulnerable communities from exploring ways and means of protecting themselves.

5. *A united Security Council is critical.* The success of a peacekeeping operation is dependent upon the firm support of the Security Council, particularly its permanent members. When the Security Council is deeply divided on how to respond to a crisis, as it was over the war in Bosnia, the parties to a conflict begin to view the compromise resolutions and statements that come out of the Council as no more than paper tigers. Without the firm backing of the Security Council the peacekeepers lose the leverage required to induce the belligerents' compliance through non-forceful means. In contrast, the way in which the Security Council responded to the violence in East Timor following the popular consultation in September 1999 was an excellent illustration of how a united Council can have a tremendously positive effect.

6. *Rapid deployment is essential.* Once the Security Council authorizes the establishment of a peacekeeping force, it should be deployed promptly, because peace processes tend to be most fragile once a cease-fire or a comprehensive agreement has been signed. The Rwanda report describes in detail the utter absurdity of the troops arriving in theatre only after the genocide had run its course. The Security Council authorized the deployment of 5,500 troops to Rwanda on 17 May 1994 (six weeks after the killing started). Three months later (after hundreds of thousands more Rwandese had been butchered), the Secretariat was still trying to convince Member States to provide the troops required.

There is no doubt that the Secretariat must continue to work on building a framework for enhancing the United Nations' rapid deployment capacities, through such initiatives as the Stand-by Arrangements System. However, it must be clearly stated that the lack of a framework does not explain the failure of the troops to arrive in Rwanda on time. The reality is simple. The United Nations does not have an army of its own (nor does the Secretariat believe that it should have one). The Secretariat relies 100 percent on the Member States to provide the required troops. In the case of Rwanda, those Member States in a position to assist could not find the will to do so. Even today, we are plagued by the same problem in Kosovo and East Timor, where our peacekeeping operations face dramatic shortages in the numbers of civilian police that they require to effectively maintain law and order. We are thus grateful for the generous financial and personnel support that the United States is providing to the United Nations Interim Administration Mission in Kosovo (UNMIK).

*[The following questions were sent directly to Mr. Connor]*

#### *Budget*

*Question.* To reach a budget of \$2.536 billion, the General Assembly cut expenditures in general temporary assistance, consultants and travel. At the same time, the

support account for peacekeeping increased and the number of temporary positions charged to extra-budgetary funds increased. How much of the regular budget was simply transferred to the other accounts? To what extent were these legitimate transfers or simply different ways of increasing the overall funding to the UN?

Answer. The General Assembly reduced the 2000–2001 budget by \$19.6 million in resources requested by the Secretary General for temporary assistance, consultants and travel in order to accommodate Member States' request. Such imposed decreases are handled through across the board cuts in all departments, not through the transfer of posts to extra-budgetary or support account posts. In fact, the number of extra-budgetary positions envisaged for this biennium are not seen as increasing, but as detailed in table 10 of document A/54/6/Rev.1 are estimated to decrease to 6,632 from a total of 7,613 in the previous biennium. The establishment of extra-budgetary posts is solely contingent upon voluntary contributions from Member States for specific purposes as detailed in the terms of reference of each trust fund or special account.

On the other hand, support account posts are established on the basis of the needs and number of peacekeeping missions. While the number of GA approved support posts has increased, this is a result of the most recent expansion of peacekeeping operations in Kosovo, East Timor and Africa after a relative short period of downsizing in the number and scope of missions. All in all, the number of support staff complements the size, complexity and scope of the operations.

The main mechanism for dealing with budgetary cuts has been the Secretary General's program on productivity improvements. By focusing on streamlining our procedures and processes, by reviewing the way we do business, the UN has been able to cope with the increasing demands and fewer available resources.

#### *Budget Reform*

*Question.* The last General Assembly resolution stated that the Secretary General was to continue to budget on an output basis. That is, budgets would not be linked to program effectiveness. What are the impediments to the adoption of a results-based budgeting approach? What priority do you place on gaining approval for and implementing results-based budgeting?

Answer. The introduction of results-based budgeting is more of an evolutionary development in the United Nations. The use of pure input budgeting was discontinued in the UN when program budgeting replaced the former objective of expenditures budgets in 1974. Since that time, much work has been undertaken to define Outputs, to monitor these and to formalize these arrangements within a set of detailed rules and regulations covering all aspects of the planning, programming, budgeting, monitoring and evaluation cycle.

Thus the proposed shift to results-based budgeting means continuing the search for better managerial use of resources, that is looking at the way outputs have been budgeted and defined and the way they are provided for in dollar terms, and how they are monitored and evaluated.

As requested by the General Assembly, a comprehensive report is before the Assembly in document A/54/456. This report, which will be reviewed in early fall, seeks the endorsement of the Assembly of a gradual approach to the introduction of results-based elements in the program planning, budgeting, monitoring and evaluation cycle, in a manner that fully reflects the specific needs and characteristics of the organization.

In addition, a concrete measure has been proposed for the inclusion in all sections of the program budget for the biennium 2002–2003, of performance indicators in addition to statements of objectives and expected accomplishments in a results-based

framework, while maintaining the current level of detail on post and non-post requirements.

Further steps envisaged by the Secretariat are: (a) the measurement, at the end of the biennium 2000–2001, of the performance of the five budget sections covered in the prototype fascicles against a limited number of expected accomplishments, using selected performance indicators; and (b) other internal measures designed to increase the knowledge of staff and to develop mechanisms and procedures that would support a gradual implementation of performance measurement as a basis for improved program monitoring and evaluation.

Such a phased approach will allow the organization to test the feasibility of these proposals and to make adjustments where necessary.

#### *Lost Funds*

*Question.* What do you know about money allegedly lost when the UN Environment Program deposited it in the account of a private citizen (Susan Madakor) who did not work for the UN, in Brooklyn? Didn't the amount total some \$700,000?

*Answer.* From 12 February 1998 through 25 October 1999, nine separate countries—namely, Belgium, Dominica, Finland, France, Italy, Namibia, St. Kitts and Nevis, Turkey and Uruguay—wire transferred funds in varying amounts to the UNEP Trust Fund. In thirteen cases, it appears that the wire transfer instructions omitted one digit from the bank account number. The wire transfer instructions specified an account which happened to be the bank account of Ms. Susan Rouse-Madakor. A total of \$701,998.94 was credited to the account of Ms. Rouse-Madakor.

As of 4 February 2000, the United Nations has recouped \$470,121.57 from the Chase Manhattan Bank and efforts are continuing to ensure that the intended beneficiary, United Nations Environment Program (UNEP) Trust Fund, receives the balance of the amounts which the Member States intended to contribute.

OIOS is conducting an investigation into the source of the erroneous bank account number as well as into the procedures for accepting contributions, to ensure that this error is not repeated and are cooperating with the legal authorities of the United States on the case of the misdirected funds.

#### QUESTIONS FROM SENATOR GRAMS

#### *Code of Conduct*

*Question.* The Secretary General just sent a proposal to the General Assembly that would apply the UN code of conduct to officials other than Secretariat officials and experts on missions. A paragraph in the proposal specifically provides examples of these officials including JIU inspectors and the Head of the ACABQ. Why weren't these officials covered under the code of conduct from the beginning? What is the prospect for this proposal passing the General Assembly?

*Answer.* The explanation is purely for technical reasons. The first step in instituting the new code of conduct was to amend the Staff Regulations and Staff Rules, which apply to UN staff members only. Since the JIU inspectors and the Head of ACABQ are not UN staff members, a separate set of regulations had to be drafted, including for others who belong in the same category, particularly experts on mission. The report is thus presented to the General Assembly in accordance with its own request. We believe that the prospects are good for this proposal passing the General Assembly.

*Question.* Has anyone from the OIOS staff approached the Secretary General with concerns regarding the appointment of the Under-Secretary General for Legal Affairs to serve as the temporary head of the OIOS? It would seem difficult to main-

tain OIOS' operational independence if the head of OIOS is responsible for providing legal support and advice to UN offices he is also auditing, investigating or evaluating.

Answer. As far as we are aware, the Secretary General has not been approached by anyone from the OIOS staff regarding the appointment of the Under-Secretary General for Legal Affairs to serve as the temporary Head of the OIOS. The appointment of Mr. Corell as a temporary Head of OIOS for a short period does not create a difficulty in maintaining OIOS' operational independence. Mr. Corell has informed us that he instructed heads of units to continue working as in the past, that he would deal only with the most important issues of policy and present reports to the General Assembly only if they could not await the arrival of the new Under-Secretary General. He has further advised us that he would, of course, recuse himself in relation to any advice provided by the Office of Legal Affairs to any UN Office requested in connection with an audit, investigation, inspection or evaluation by OIOS of that Office. Of course, Mr. Corell would not be required to recuse himself in respect of legal advice provided to such Offices unrelated to such audits, investigations, inspection or evaluations. In sum, we found that in identifying someone to stand in for the Head of OIOS for a short period, the natural choice would be the Legal Counsel, who also acts independently in that capacity within the Secretariat. Ultimately, the task would have to be discharged with the judgment required by the circumstances.

---

RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED BY MEMBERS OF THE COMMITTEE  
TO AMBASSADOR HOLBROOKE

QUESTIONS FROM SENATOR HELMS

*The Budget*

*Question.* To reach a budget of \$2.536 billion, the General Assembly cut expenditures in general temporary assistance, consultants, and travel. At the same time, the account for peacekeeping increased and the number of temporary positions charged to extra-budgetary funds increased, and that leads me to ask the question, how much of the regular budget was simply transferred to other accounts?

Answer. There has been no transfer of funds because the budgets are separate and distinct, and used for different purposes. Funds appropriated for the Regular Budget cannot be used to pay for peacekeeping missions. Similarly, extra-budgetary monies, which are voluntary contributions made by member states, are earmarked for specific activities; rules and regulations prohibit use of these amounts for activities authorized under the Regular Budget.

*The Congo*

*Question.* In the context of "Africa month" during the U.S. presidency of the Security Council, it has been suggested that the United States should play an active role in a future peacekeeping mission in the Democratic Republic of the Congo. Presidential Directive 25 requires that peacekeeping missions serve the "national security interests" of the United States. Do you feel it is in the United States national security interests to participate in such an operation in the Congo?

Answer. The U.S. has a clear national interest in resolving the multi-state conflict in the Democratic Republic of the Congo, and encouraging the evolution of a stable, democratic Congo at peace with its neighbors. The current conflict affects much of the African continent, with enormous costs to U.S. political and economic interests. Involving troops from at least a half-dozen countries, three Congolese rebel factions and numerous foreign armed groups, the Congo conflict has become intertwined

with internal conflicts in Rwanda, Uganda, Sudan, Angola and Burundi, threatening to destabilize a broad swath of central and southern Africa.

Inaction on the part of the international community would have disastrous consequences, risking a resurgence of genocide in the region and the devolution of this proxy war into a direct war. Continued fighting in the region has produced a dangerous security vacuum that has drawn in rogue states which are seeking weapons sales, political allies, and access to strategic materials. The fighting threatens to spark a major humanitarian crisis, with a severe long-term impact on economic growth, investment, poverty alleviation and trade for the region. For all of these reasons, the Congo conflict ranks among the most dangerous in Africa.

#### QUESTIONS FROM SENATOR GRAMS

##### *DOD Costs*

*Question.* In addition to \$1.4 billion the U.S. provided to the UN in voluntary and assessed contributions in fiscal year 1999, the U.S. contributed \$8.779 billion in support of UN Security Council resolutions such as enforcing the no-fly zones in Iraq and undertaking humanitarian aid in Kosovo. According to the Administration, these amounts are not charged to the UN because the costs support actions that are in the U.S. interest and would be carried out whether or not they supported UN resolutions. Why hasn't this Administration been more aggressive in seeking credit for U.S. contributions?

*Answer.* As indicated, the U.S. has not sought credit for its contributions that extend beyond the mandates of the resolutions because these activities are in the national interest of the U.S. and would be carried out whether or not they supported UN resolutions.

##### *OIOS*

*Question.* I am very concerned that one of our greatest reform achievements to date, an independent Inspector General's office, has been jeopardized by the appointment of the Under-Secretary General for Legal Affairs to serve as the temporary head of the OIOS. On its face, it would seem difficult to maintain OIOS' operational independence if the head of OIOS is responsible for providing legal support and advice to UN offices he is also auditing, investigating or evaluating. Has the U.S. Mission voiced any concerns to the Secretary General that it would be better to have a prominent person from outside the UN system, or someone who had worked for Mr. Paschke, serving in this capacity?

*Answer.* We agree that the Secretary General has not made a timely appointment of a permanent chief of OIOS. We first reminded the Secretary General of this important appointment in April 1999 and followed it up in August with several names of possible candidates. When it became apparent, that the initial candidates were not deemed qualified, we provided additional names in December, as did other member states. In January of this year, Ambassador Holbrooke spoke with and sent a letter to the Secretary General urging speedy action on the appointment.

*Question.* The certification to Congress on the independence of the OIOS is a legal document, and as such the State Department is expected to have a legal justification for its decision. Would you provide the background documents supporting this certification given Mr. Correll's appointment?

*Answer.* We agree that any certification to Congress must have a basis in fact to justify it. However, decision-makers consider input from a variety of sources when making a judgment as to whether or not a particular certification may appropriately be made, and there is no requirement that all such input be reduced to writing.



Moreover, the decision documents that typically are prepared are of an internal and deliberative character. That said, we are always willing to provide via briefings additional details concerning the factual basis for our certifications to supplement the summary “justification” generally provided with the certification itself.

#### *Budget*

*Question.* It is my understanding that under Kassebaum-Solomon the U.S. must join in the consensus for every major budget decision. How was your decision to disassociate from the consensus on the budget outline consistent with that obligation?

*Answer.* The UN budget outline for 2000–01 was approved by the General Assembly two years ago, in December 1998. Although I was not yet on board at that time, I understand that the U.S. decision to disassociate from—but not block—consensus adoption of the outline reflected our expectation that further efforts could be made by the UN to save on costs. As approved, the level of \$2.545 billion was \$13 million above our target level of \$2.533 billion.

The outline is not an approved budget. The actual 2000–01 UN budget was approved in December 1999 at a level of \$2.536 billion. Although marginally higher than our \$2.533 billion target, the approved UN budget is below the outline level approved a year earlier (\$2.545 billion) and substantially below the level requested by the Secretary General (\$2.655 billion), which included adjustments for economic factors such as inflation and exchange rates.

The U.S. disassociated from the consensus adoption of the UN budget because it was slightly above our desired target of \$2.533 billion—an actual difference of less than \$3 million. At the same time, our decision to not block consensus reflected our general satisfaction with the outcome of the approved budget. The \$122 million gap between the Secretary General’s request and the U.S. target level was virtually eliminated. Savings were achieved in administrative costs such as staff travel, consultants, information technology, temporary assistance and general operating expenses.

I would note that the only alternative to the consensus procedure regarding the UN budget is to call for a vote. The U.S. would have lost such a vote on the 2000–01 UN budget. The voting action also would have poisoned the atmosphere for this year’s critical negotiations on the UN scales of assessment. It was essential for us to avoid such an outcome.

The U.S. will continue to work for budget discipline in the United Nations. Our adherence to the consensus procedure—even if we disassociate—will ensure U.S. views are given appropriate weight in the final outcome.

*Question.* During the negotiations on the UN budget for the next biennium, did the United States propose specific cuts to maintain a no-growth budget? For example, when the G–77 demanded \$2.5 million to create year-round conference services in a rarely used facility in Nairobi, did you suggest an offset? Would you provide the Committee with the list of cuts the U.S. Mission believed could be made without harming the UN’s core functions?

*Answer.* Prior to the budget negotiations we analyzed the budget proposal and identified potential reductions in a number of areas that we believed could be made without harming the UN’s core functions. These included reductions in provisions for staff costs, travel expenses, information technology, consultants fees, and major maintenance. At various points during the negotiations we proposed these reductions; some member states proposed other reductions, while others proposed increases. The give and take of the negotiations resulted in a \$2.535 billion budget that is just \$2 million more than an absolute zero nominal growth budget. While this was substantially less than the proposal made by the Secretary General, it was

still more than we believed was necessary to carry out the priority activities of the UN. For this reason, we disassociated ourselves from the agreement.

---

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR  
HELMS TO DONALD HAYS

IMPLEMENTATION OF UNITED NATIONS REFORM

*Assessment Scale*

*Question.* In my mind, the toughest reform necessitated by the Helms-Biden legislation is a wholesale restructuring of the assessment scale for Member States' dues. China is on the Security Council as a permanent member, but it pays only 1 percent of the UN budget. Is that going to change? And what is going to be done about the 90 countries, who pay just one one-hundredth of one percent of the budget?

*Answer.* We are working to mobilize the entire UN membership in an agenda for comprehensive scale reform aimed at creating a flatter, more objective system. Many Member States share our concern about the anomalies and inequities embedded in the current assessment methodology. Our efforts are focused on getting major players at the UN, including but not limited to China, to recognize that financial responsibilities are part and parcel of playing a leadership role at the UN. While certain of the least developed countries are not in a position to shoulder an additional dues burden, there are many other UN Members that can and should pay more. Our proposals address this problem in a transparent and fair way, and are aimed to ensure that all countries with the capacity to pay are contributing their fair share. We have been meeting with 5–6 delegations per day to explain our proposals and urge their support. This is complemented by a similar mobilization for scale reform in capitals through our embassies and senior officials. Our message seems to be getting across, and while it is too early to predict the ultimate outcome, we are cautiously optimistic about effecting significant change to the assessment system.

*Budget Reform*

*Question.* The last General Assembly resolution stated that the Secretary General was to continue to budget on an output basis. That is, budgets would not be linked to program effectiveness. What are the impediments to the adoption of a results-based budgeting approach? What priority do you place on gaining approval for and implementing results-based budgeting?

*Answer.* The changes needed to achieve a more results-oriented UN budget are substantial and may take several years. In fact, the changes are very much like ones being made as our own government switches to performance-based planning and budgeting, as stipulated in the Government Performance and Results Act. They will require shifts in attitudes of all of the important players, including member states and program managers, as well as critical improvements in program evaluation functions. One of the major obstacles that we must overcome is a view held by many developing countries that results-based budgeting is just a pretext for making budget reductions.

The Secretary General has proposed a gradual approach, starting with the budget period covering 2002–2003, and the Fifth Committee will consider this later in the year. We believe this is very important, and we will work closely with other member states to obtain a positive outcome. At the same time, we will continue to push for full implementation of existing UN rules and regulations which already contain requirements like those found in results-based budgeting. For example, the rules require program managers to do regular self-evaluations of their activities with a view

to determining effectiveness and continuing relevance; unfortunately, this is not done regularly and consistently throughout the UN, so we will continue to insist on improvements in this area. Similarly, we will seek full compliance with a recent rule change, which we instigated, which requires inclusion of specific objectives and expected accomplishments in budget proposals, and also requires monitoring of progress made in achieving them. All of this, we believe will lead to an organization that is focused on outcomes rather than inputs.

#### *Lost Funds*

*Question.* What do you know about money allegedly lost when the UN Environment Program deposited it in the account of a private citizen (Susan Madakor) who did not work for the UN in Brooklyn? Didn't the amount total some \$700,000?

*Answer.* Our knowledge of this case is based primarily on media accounts. As you indicated, a woman in Brooklyn received, erroneously, a substantial amount of funds into her bank account that were intended as voluntary donations for UN Environmental Program activities. The UN did not catch the error initially because it was not aware that countries had made contributions. Once discovered, however, the UN took action to freeze unspent funds and recover the remainder. OIOS investigators are in the process of determining how this happened and what might be done to prevent such incidents in the future.

#### *Kofi Annan's Reforms*

*Question.* The Secretary General called for a biennial budget of \$2.655 billion—some \$120 million above the 1998–1999 budget. How committed is the Secretary General to reform? Or is putting the brakes on growth of spending not a fair test of the Secretariat's commitment to reform? Do you think the implementation of the Secretary General's reform proposals has been a success or failure? How so? Have the Secretary General's reform initiatives run their course and run out of steam?

*Answer.* The Secretary General is committed to the ongoing strategic management of the United Nations. At the start of his tenure he made it his first priority to produce a detailed agenda of measures and proposals to improve the effectiveness and efficiency of the organization. Membership has supported the bulk of his "Track II" reform package while requesting more detail on proposals for results-based budgeting and sunset provisions. Meanwhile, the Secretary General continues to herald reform as an ongoing process and is programming this September's Millennium Summit to produce an animating vision for the future of the organization. Certainly the Secretary General's ability to operate over recent years, under a zero-nominal-growth regular budget is a testament to doing more with less; this has been a critical first step in fitting the organization to new purposes brought about by a changing world environment. The implementation of the Secretary General's reform package is making that fit possible. The successful addition of a Deputy Secretary General heading up a new leadership and management structure (a first-ever "cabinet" called the Senior Management Group) has reinvigorated the United Nations. It has promoted and realized strengthened leadership capacity in the Secretariat, enhanced strategic direction from the General Assembly, acting as one coordinated entity in the field at the country level, and increasing UN administrative effectiveness and efficiencies, among other things. One example: UN staff, through a specially-created suggestion box, contributed over 400 ideas which have been implemented for improving day-to-day administrative matters. The Secretary General's initiatives have been lead by his overarching reform: to lead the ongoing process of change and to institute sound management throughout the organization. Given that UN reform, then, is a process and not an event, it will continue to run the course as new opportunities and constraints arise in the course of managing the United Nations.

### *Sustaining UN Reform*

*Question.* What steps are most important to sustain reform in the UN? For instance, what steps need to be taken to monitor and measure UN programs' effectiveness? And what can we do to pull the plug on UN programs which have either fully achieved their discrete aim or have failed miserably?

*Answer.* The most important steps for sustaining reform in the UN are those that involve and motivate the membership to maintain and demonstrate sustained political will for stewarding the organization effectively and efficiently. In brief, membership has to realize value for its involvement which it can get by working together for sensible mandates for UN programming, scheduled reviews of Secretariat performance, support for the organization's financial stability, independent and capable internal oversight, and thoughtful selection of subsequent Secretaries-General. For monitoring and measuring UN programs' effectiveness, the Secretary General has established a Strategic Planning Unit to identify emerging global issues and trends, analyze their implications for the organization, and devise policy recommendations for the Secretary General and the Senior Management Group. This type of orientation has been copied and incorporated within the many Departments. Through the adoption of the culture of relevance, officials now are in effect monitoring and measuring UN programs' effectiveness for compliance with mandates and goals, and no longer merely producing a set number of outputs. Having requested that each Department create a "results-based budgeting" mock-up for each section of the regular budget, the Secretary General established a culture of accountability to program managers for targeting failed programs and supporting effective programs.

### *The OIOS*

*Question.* Isn't the Office of Internal Oversight Services too flimsy to do much good? Isn't it too seared that it will antagonize member states with its findings? Isn't its impact limited by the fact it will not widely disseminate the findings of its investigations and audits, treating the subjects of its inquiries as clients? Isn't this one UN program which is actually under-funded—especially to hire enough investigators?

*Answer.* The creation of OIOS in 1994 was perhaps the most significant UN reform in recent history. Under its first chief, Karl Paschke, the Office proved itself as a valuable tool for improving the management culture of the UN, for identifying savings, and for reporting on fraud and abuse. Last year alone OIOS recommendations resulted in savings of \$23.5 million. What's more, OIOS audits have led to substantial improvements in operational effectiveness and its investigations section pursued several major cases where UN staff and contractors were stealing funds or otherwise abusing their authority.

A good example of OIOS' willingness to be "hard hitting" is found in a recently-issued investigation report about a theft of \$800,000 in the Bosnia peacekeeping mission. The chief of the mission's travel section had devised a clever scheme to obtain kickbacks from travel agents for excess baggage fees that were already included in the cost of the airline tickets. After a full audit and investigation by OIOS, the thief was prosecuted and convicted in New York, where he awaits sentencing. Efforts are also being made to recover the stolen funds. More importantly, however, the investigation has led to improvements in the weak internal controls that allowed the scheme to operate in the first place.

The fact that OIOS does not widely disseminate the findings of its investigations and audits does not limit the impact or effectiveness of the office. Using its automated databases, OIOS has assiduously followed up with managers who are responsible for ensuring implementation. In its latest annual report, OIOS reported that

managers had implemented 85 percent of the recommendations the office had issued since October 1994 related to investigations, and 74 percent of all audit recommendations. This represents a steady increase over the five years that OIOS has been operating, and is a strong indication that program managers have become increasingly receptive to OIOS' ideas for improving their operations and strengthening internal controls.

Are OIOS' resources sufficient? This is hard to tell. No doubt the auditors and investigators will probably always say there are not enough of them. But OIOS resources, when combined with other oversight resources—including the Board of Auditors and the internal oversight mechanisms in various funds and programs—provide substantial oversight coverage of UN activities. We were also pleased that the new UN budget provides additional auditor positions and other resources for OIOS.

---

ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD BY MEMBERS OF THE  
COMMITTEE TO JOHN R. BOLTON

QUESTIONS FROM SENATOR HELMS

*Reform and Sovereignty*

*Question.* You agree with me that the United Nations has utility only to the degree that it serves the will of the members states, and in particular, serves the interests of the United States. What institutional reform or change in the U.S. approach to relations with the U.N. would best ensure this is the case?

*Answer.* As I indicated in my prepared testimony, it is incumbent upon the United States to protect its own interests in the United Nations and other international organizations. Unfortunately, there is no substitute for clear-headed presidential leadership on this point as part of the overall conduct of American foreign policy. Nonetheless, vigorous congressional participation, pursuant to its own independent Constitutional authorities, can help mitigate some of the worst mistakes of misguided Executive-branch policies. Despite the Committee's heavy workload, I would urge that you consider more frequent hearings on American policy in international organizations and in the negotiations of international agreements that affect domestic policy issues. By bringing increased public attention to these issues, I believe that overwhelming public opinion will make itself heard in both branches.

*Peacekeeping*

*Question.* Peacekeeping missions were on the wane in the middle years of the Clinton Administration, following debacles in Somalia and Bosnia—about which you have previously written and testified. In the late Clinton Administration, they seem to be a growth industry again. To what degree do peacekeeping operations in Sierra Leone, East Timor, and the Democratic Republic of the Congo serve American interests?

*Answer.* U.N. involvement in disputes that truly threaten “international peace and security” is both legitimate under the U.N. Charter and often in the best interests of the United States. Whether and to what extent, however, such U.N. involvement should include peacekeeping forces deployed into a troubled region is very much a separate question. Too often in the past, and quite likely now in Sierra Leone and the Congo, deploying U.N. observers or disengagement forces may be premature, and actually exacerbate conflicts rather than help mitigate them.

The three basic prerequisites of successful U.N. peacekeeping remain, as they always have been: (1) the consent of all of the parties to a conflict; (2) neutrality by the U.N. among the parties; and (3) the use of force by U.N. troops essentially only

in self defense or in aid of their mission. Too often, the deployment of peacekeepers has proceeded without these essentials being in place, and the results have been tragic, as in Somalia and Bosnia. In particular, the proposed U.N. deployment in the Congo has all of the signs of being premature, ill-planned and likely to fail to keep a non-existent peace or actually to harden existing lines of conflict.

#### *Iraq*

*Question.* Could you offer your thoughts of the steps that the U.N. Security Council has taken to loosen sanctions on Iraq? How has the U.N. performed in the year since UNSCOM was shut down, ending weapons inspections in Iraq? How has the U.S. team at the U.N. performed with regard to Iraq?

*Answer.* There has been for some time a substantial discontinuity between UN employees on the ground in Iraq implementing the “oil-for-food” program and senior Secretariat leadership in New York. The Iraq-based personnel appear to have become “captured” by Iraqi propaganda about the effects of economic sanctions on the Iraqi people, contrary to the clear evidence that Saddam Hussein is expending scarce economic resources to bolster his own military and political position in Iraq to the detriment of dissident or disfavored segments of the Iraqi population. This tilt toward Saddam has been manifested in inadequate monitoring of financial flows under the oil-for-food program (thus providing Saddam’s regime with resources to purchase non-humanitarian goods and equipment), and, in addition, unsatisfactory controls over the distribution of humanitarian supplies provided under the oil-for-food program. Much could be done to correct these problems by returning full operational control of the “oil-for-food” program to management by the Secretariat in New York, which would provide far greater opportunity for effective oversight by the Security Council.

Unfortunately, the collapse of the sanctions regime through loose field administration is not only the fault of the United Nations. Our Administration’s inattention both to sanctions enforcement and to the hard political task of maintaining and enhancing the international coalition against Iraq has been ignored for too long. The recent boarding of a Russian ship apparently carrying Iraqi oil in violation of the international sanctions may signal a renewed emphasis on sanctions enforcement, which should be encouraged and expanded.

#### *Taiwan*

*Question.* Taiwan has every attribute of a sovereign state. What does the failure of the U.N. to give a seat or voice to Taiwan tell you about the representativeness of the U.N.?

*Answer.* I believe, and have previously testified on the House side that the Republic of China on Taiwan clearly deserves renewed representation in the United Nations. I have also explained how that might be achieved. For inclusion in the record, I attach a recent article in the *Legal Times* which explains my thinking on Taiwan and the U.N.

*Legal Times*, June 22, 1998

**Welcome Back, Taiwan**

THE UNITED NATIONS SHOULD ERASE THE STAIN OF RESOLUTION 2758 AND 'READMIT'  
THE REPUBLIC OF CHINA

*by John R. Bolton*

In the 1970s, the United Nations was a convenient, indeed preferred, venue for legitimizing American and Western institutions, values, and allies. The shameful Resolution 3379 of 1975, which equated Zionism with racism, was simply the worst of a long list of outrageous General Assembly actions. It was presaged in 1971 by Resolution 2758, which eliminated the Republic of China (now generally known as Taiwan) from the United Nations' rolls and replaced it with the People's Republic of China (P.R.C.). Although the Zionism resolution was repealed in 1991, the pernicious effects of Resolution 2758 persist to this day.

As President Bill Clinton prepares to leave on his much debated trip to the P.R.C., Resolution 2758 stands out as a Cold War relic, a practical impediment to the more effective operation of the U.N. system, and an affront to the often-trumpeted characteristic of U.N. universality.

Resolution 2758 is itself illegitimate, violative by its own terms of the U.N. Charter in multiple respects, and a virtually dispositive rebuttal to any contention that the United Nations functions within a "rule of law" context. So flawed is this resolution that only its effective repeal by the General Assembly can provide any hope of expunging the stain on the escutcheon of the United Nations.

In the years since 1971, the crassly political way in which Resolution 2758 violated the U.N. Charter and its larger charter-breaking implications have been conveniently forgotten, but the history of its adoption tells us much about what is politically wrong with the United Nations today. That history may even provide a way out of the current quagmire for those willing to seize it.

Failure to seize this opportunity—and especially the failure of the United States to take the lead in righting this wrong—can only have grave consequences for the United Nations, especially given the parlous levels of support it enjoys in Congress. Taiwan attempted to begin a debate on repeal during the latest session of the General Assembly. Although its efforts were turned aside by the P.R.C.'s typically energetic lobbying, the status of Taiwan is one that U.N. supporters ignore only at their own peril.

The simplest way to explain the illegitimacy of Resolution 2758 is to state the basic facts that the P.R.C. never actually joined the United Nations and the Republic of China was never actually expelled, pursuant to the U.N. Charter. Resolution 2758's only operative paragraph states in full that the General Assembly:

*Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations affiliated with it.*

Although the resolution was cast in the language of law, the P.R.C., Albania (lead sponsor of the draft resolution), and their supporters adopted the "representation" approach for highly political reasons.

Any objective reading of Resolution 2758 clearly demonstrates its facial violations of the U.N. Charter. It had the *de facto* effect of admitting a new member to the United Nations, expelling a sitting member, and replacing a permanent member of

the Security Council, all without any Security Council action. Strikingly, a majority of the General Assembly persuaded themselves that none of these actions amounted to an “important question” under the charter.

Had the P.R.C. applied directly for membership, Article 4(2) would have required it to be elected “by a decision of the General Assembly upon the recommendation of the Security Council.” Quite obviously, in 1971, such an approach would have subjected the P.R.C. application to vetoes by the United States and the Republic of China. Similarly, efforts to suspend Taiwan from U.N. membership (under Article 5) or to expel it entirely (under Article 6) would have failed both because the substantive requirements of those articles were not met, and because General Assembly action under either provision also requires a Security Council recommendation, subject to the permanent members’ veto power.

Moreover, applications for new U.N. memberships, suspensions, and expulsions are all explicitly enumerated in Article 18(2) as “important questions” requiring a two-thirds majority of those members present and voting in the General Assembly. Since 1961, the United States, Taiwan, and their supporters had been able to rely on a series of resolutions that declared that “in accordance with Article 18 of the Charter, any proposal to change the representation of China is an important question.”

Using any route provided by the U.N. Charter thus would have (and had repeatedly in the past) led to defeat for the P.R.C. Accordingly, the P.R.C. decided to end-run the carefully crafted procedural protections of the charter and create a new and unauthorized procedure of simply replacing one set of “representatives” with another.

On Oct. 25, 1971, in clear evidence of the decline and final collapse of the United States-led, pro-Republic of China coalition, the General Assembly first rejected the latest “important question” resolution by a vote of 55 in favor, 59 opposed, 15 abstaining, and two absent. The Albanian text that became Resolution 2758 was then adopted by a vote of 76 in favor, 35 opposed, 17 abstaining, and three not participating.

Illegitimate as the proceedings that led to the adoption of Resolution 2758 may have been, however, the past cannot be rewritten. Today, attention must be focused on addressing the consequences of the resolution.

#### *Obvious Option*

The most obvious option is for Taiwan to seek its repeal and reobtain representation. In effect, Taiwan now faces the mirror image of the P.R.C.’s problem before 1971. Attempting to obtain membership through the normal U.N. Charter procedures would almost surely produce a Beijing veto. Accordingly, following the trail blazed by Beijing appears to be Taiwan’s only realistic course, although it is one that will require enormous diplomatic efforts. What Taiwan needs is the visible support of the United States, which, sadly, is a dubious proposition during the current administration.

The obstacles to repealing Resolution 2758, while numerous, are by no means insuperable.

First is the question of whether the General Assembly, acting on its own without the Security Council, has the authority to “reseat” Taiwan. The U.N. Charter is silent on this point. Of course, the charter process was also explicitly contrary to the *ultra vires* procedures followed by the General Assembly when it adopted Resolution 2758, so the problem of perfect procedure should not long detain us.

In 1971, recognizing the likelihood that the P.R.C.’s efforts would finally succeed, the United States and others proposed “dual representation” of both the P.R.C. and Taiwan, with the P.R.C. being seated as a permanent member of the Security Coun-



cil. Operative paragraph two of the draft U.S. resolution stated specifically that the General Assembly “Affirms the continued right of representation of the Republic of China.”

In describing this draft resolution at the time, U.N. Ambassador George Bush queried rhetorically: “Some may ask where and when the Charter has been used before in precisely the way our resolution proposes. The answer is: nowhere—because in 26 years the United Nations has never faced precisely this situation.”

After reviewing such cases as the three General Assembly votes possessed by the U.S.S.R. (on its own, as well as through the Ukrainian and Byelorussian Soviet Socialist Republics), and the U.N. membership of India even before its full independence from the British Empire. Bush concluded by saying:

In every such case the United Nations has faced a reality, not a theory—and has acted accordingly, finding new solutions for new problems. We are in a similar situation now. We face a reality, not a theory. Our proper concern must be to do justice to the complex reality that exist today in the form of effective governing entities, and the Charter gives us the room to innovate to satisfy that concern.

While the dual representation resolution never came to a General Assembly vote in 1971, reseating Taiwan would have the practical effect of adopting it today.

This would indeed result in the addition of a U.N. member outside the procedures of Article 4. But that outcome cannot be any different in legitimacy than Resolution 2758 itself. It would be absurd to say that the General Assembly cannot correct the iniquitous effects of an illegal earlier resolution simply because of doubts about the corrective. Otherwise, the assembly would be unable to overcome self-inflicted wounds, even when it had the will and the ability to do so.

Second, there is the question of whether Taiwan qualifies as a “state” under Article 4. Clearly it does: It controls a defined territory has an identifiable population and a capital city, administers its own internal affairs, and is able to enter into relations with other states.

The United Nations’ history, as Bush’s remarks on the U.S.S.R. and India demonstrated, contains ample precedent for accommodating ambiguous circumstances. Both East and West Germany held U.N. membership prior to their reunification. The two Koreas are both U.N. members, even though their very existence as separate states stems only from the historical circumstances of Japan’s surrendering in 1945 to the Americans in the south and the Soviets in the north. The two Yemens also held separate U.N. memberships prior to their merger, as did Tanganyika and Zanzibar before becoming Tanzania.

Contrary to the fears expressed by the P.R.C., providing representation to Taiwan would not represent a “two China” policy, nor need it lead to the conclusion that the United Nations is recognizing Taiwan’s “independence” from the P.R.C. In all the cases noted, practical political realities, not the theology of international law ultimately governed the decisions of the United Nations. The same realities should guide it today.

*Third*, Third World majorities have argued successfully in the past that the actions of one General Assembly cannot be overturned by subsequent General Assemblies. But this argument, while politically powerful, has always been a myth.

As early as November 1950, the General Assembly repealed a resolution adopted by an earlier assembly. In Resolution 386, the General Assembly rescinded Resolution 38, which had barred Spain (as a former “enemy state”) from U.N membership. (Because of Second and Third World fears about the impact of repealing resolutions, other former “enemy states,” including Germany and Japan, were subsequently ad-

mitted to the United Nations without a General Assembly vote revoking their “enemy state” status.)

Whatever remaining doubts existed about the authority of the General Assembly to repeal should have been completely dispelled in December 1991, when the operative language of the “Zionism is racism” resolution was repealed by a vote of 111 in favor; 25 opposed, 13 abstaining, and the remaining not participating.

#### *Political Resolution*

*Fourth*, opponents of repeal might raise the “important question” issue thus requiring a two thirds General Assembly majority and making repeal much more difficult. But since Resolution 2758 itself was not originally decided as an “important question,” there is no reason why its repeal should be subjected to a higher threshold.

The resolution of this procedural issue is ultimately political: If there is truly a majority in the General Assembly with the necessary political will to reseal Taiwan, then there will be a majority to determine that the repeal of Resolution 2758 and adoption of the dual representation concept is not an “important question.”

*Fifth*, some might argue that, whatever the legality of Resolution 2758, the Republic of China’s 1971 attempt to withdraw from the United Nations means that Taiwan has renounced its status as an original U.N. member and must now reapply under Article 4 as a new member. Taiwan’s “withdrawal” occurred when shortly after the vote was lost on whether to declare the Albanian draft resolution an “important question,” the Republic of China delegation made a point of order, saying that it would no longer take part in any further proceedings. The next day, President Chiang Kai-shek explained the delegation’s action: “Before this infamous [Resolution 2758] could be put to a vote’ this country announced its withdrawal from the United Nations, an organization which it took part in establishing.”

The U.N. Charter deliberately made no provision for the withdrawal of member governments, largely to prevent the threat of withdrawal from being used as a form of political blackmail or as a means of evading obligations under the charter. Japan’s withdrawal from the League of Nations in March 1933 was very much on the minds of the U.N. drafters. Some have questioned, therefore, whether it is even permissible for U.N. members to withdraw. The only other example of an effort to withdraw—a short-lived attempt by Indonesia in 1965—actually tends to show that withdrawal, at least in the short turn, has no force or effect.

Moreover, Taiwan’s “withdrawal” was so completely intertwined with Resolution 2758 that it is doubtful whether the purported withdrawal should play any role here at all. Any fair reading of the situation in 1971 demonstrates that the Republic of China’s various expressions of intent to withdraw all involved the actual or expected adoption of the Albanian draft and should be taken as part of a single transaction that expelled Taiwan’s representatives and installed those of the P.R.C. Thus, the repudiation of Resolution 2758 would eliminate the need for Taiwan’s withdrawal, rendering it moot today.

#### *Card Games*

When the General Assembly adopted the infamous “Zionism is racism” resolution in 1975, U.S. Ambassador Daniel Patrick Moynihan declared in ringing terms that: “The United States rises to declare before the General Assembly of the United Nations, and before the world, that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.” No such gesture of defiance, no such challenge to a resolution’s legitimacy was made in 1971 by Ambassador Bush—perhaps because then Secretary of State Henry Kissinger was too concerned with playing the “China card” to allow the United Nations to get in the way.

Yet legitimacy is a precious asset for any institution, and never more so than for one created *ex nihilo* like the United Nations. Losing that legitimacy is relatively easy, as the United Nations has repeatedly proven, but regaining it is a lengthy and arduous task, especially in U.S. domestic political terms.

Today, the real question for U.N. members is whether the stain of Resolution 2758 can be expunged, or whether its corrosive effects will continue to hurt the organization's reputation and effectiveness. Many U.N. members are quick to criticize the withholding of American financial assessments by Congress, but their collective silence on the exclusion of the Republic of China is deafening. If critics of the United States are really serious about the United Nations, let them help renew Taiwan's representation.

*Congo in "Africa month"*

*Question.* It has been suggested that the United States should play an active role in a future peacekeeping mission in the Democratic Republic of the Congo. Presidential Decisive Directive 25 requires that peacekeeping missions serve the "national security interests" of the United States? Do you feel it is in the United States' national security interests to participate in such an operation in the Congo?

*Answer.* As noted in response to a previous question, I think that UN involvement in efforts to resolve the ongoing conflict in the Great Lakes region of Africa—through mediation, good offices, or other diplomatic methods—is in our best interests. Nonetheless, it does not follow automatically that deployment of a U.N. peacekeeping force is in such interests, despite the current predisposition to do so. Until the parties to the conflict have truly agreed on the necessary conditions for such a force, which they manifestly did not do at the special Security Council meeting on the subject in January, I believe it would be a serious mistake to authorize a U.N. peacekeeping force for the Congo.

In particular, there is no American interest that would be advanced by the participation of U.S. forces in any such peacekeeping mission, even if it were ultimately deployed under proper circumstances. There is a larger issue here about whether and when armed forces of the five Permanent Members of the Security Council should participate in peacekeeping, which has not, since the end of the Cold War, received adequate public debate and discussion. I remain generally skeptical of the utility of Perm Five participation in peacekeeping, and I would respectfully urge the Committee to examine this question in more detail at an appropriate point.

QUESTIONS SUBMITTED BY SENATOR GRAMS

*International Criminal Court (ICC)*

*Question.* I know you share my concerns about the creation of the International Criminal Court. It appears unlikely the Clinton administration will be able to find a way to provide 100% protection for U.S. military personnel—and thus will not be able to sign onto the Court. Are you concerned, however, that the Administration will practice benign neglect—or worse—it will support Security Council referrals to the Court?

*Answer.* Every indication we have is that the Clinton Administration is still energetically attempting to find a way to sign the 1998 Statute of Rome, which established the International Criminal Court ("ICC"). They have in no way slackened their participation in ongoing negotiations intended to establish procedures for the ICC, and they continue to tell foreign governments in diplomatic demarches that they remain committed to signing the Statute if at all possible. In short, as with the Administration's actions on a number of other treaty fronts, it is seeking to implement its preferred policies even though Congress has not given its constitutionally-prescribed approval.

Given the Administration's record, it is entirely reasonable to believe that the Department of State will continue to cooperate with governments that are parties to the Statute of Rome, or that the Department will support the creation of *ad hoc* tribunals, such as for East Timor, which might in the near future be transferred to the ICC if and when it actually comes into existence. Congress, which has signaled its opposition to the Statute of Rome on a bipartisan basis, should continue to scrutinize the Administration's actions in order to avoid a frustration of its Constitutional responsibilities and prerogatives.

#### *Arrears*

*Question.* Whenever the subject of the arrears comes up one of the main arguments used by the supporters of paying the arrears in full with no conditions is that the U.S. is legally bound to do so. Is this your interpretation of U.S. treaty law?

*Answer.* It is simply inaccurate to say that the United States is "legally" bound to pay automatically contributions assessed by the United Nations or its specialized agencies. We are bound only to a political process by the U.N. Charter to meet the organization's financial obligations, and we are entirely free politically to accept or reject the results.

I have previously written and testified on this subject, and I attach to the answers for inclusion in the record of the hearing (a) an article from the Wall Street Journal; and (b) prepared testimony delivered in 1997 before the House International Relations Committee.

*The Wall Street Journal*, November 17, 1997

#### **U.S. Isn't Legally Obligated to Pay the U.N.**

*by John R. Bolton*

Adjourning for the year, Congress stung the Clinton Administration by refusing to appropriate any funds for the payment of U.S. "arrearages" (unpaid assessments) to the United Nations. U.N. supporters contend that the U.S. must pay up in order to meet its "solemn legal obligations." Failure to pay, they assert, is "illegal" under the "treaty commitment" the U.S. entered into by ratifying the U.N. Charter in 1945.

This line of argument is flatly incorrect. Its widespread acceptance, moreover, is based on several misperceptions about the Constitution, U.S. obligations under international treaties, and the attendant policy implications for American decision makers.

First, treaties have no special or higher status than other acts of Congress or, for that matter, than the U.S. Constitution. There is widespread confusion on this point, even among sophisticated foreign policy analysts, based in large part on some expansive dicta by Justice Oliver Wendell Holmes in a 1920 Supreme Court decision. At the time of the U.N.'s formation, some pointed to Holmes's dicta to reinforce their worry that treaties might be used as a "back door" to amend the Constitution.

Perhaps sensing the need to quiet these concerns, the Supreme Court revisited the issue in 1957 in *Reid v. Covert*. It ruled that "no agreement with a foreign nation can confer power on the Congress, or on any other branch of Government, which is free from the restraints of the Constitution." It stressed that "this Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty." Whatever the legal impact of a treaty, that impact must be determined consistently with the Constitution and subordinate American law.

Second, treaties are “law” only for U.S. domestic purposes. In their international operation, treaties are simply “political” obligations.

The Supreme Court recognized this distinction as far back as 1884, holding that a treaty “is a law of the land as an Act of Congress is, whenever its provisions prescribe a rule by which the rights of the private citizen or subject may be determined.” As for the international aspects, the court held clearly that a treaty “depends for the enforcement of its provisions on the interest and honor of the governments which are parties to it.” And if they don’t work? “If these fail, its infraction becomes the subject of international negotiations and reclamations, so far as the injured party chooses to seek redress, which may in the end be enforced by actual war.”

There may be good and sufficient reasons to abide by the provisions of a treaty; in most cases one would expect to do so because of benefits treaties provide not because the U.S. is “legally” obligated to do so. As the Supreme Court stressed in 1889 in *Chae Chan Ping v. U.S.*: “whilst it would always be a matter of the utmost gravity and delicacy to refuse to execute a treaty, the power to do so was prerogative, of which no nation could be deprived without deeply affecting its independence.”

Third, treaty obligations can be unilaterally modified or terminated by congressional action. This is the principle that U.N. advocates ignore when they argue that Congress is “legally bound” every year to authorize and appropriate precisely the same amount of money as that demanded by the U.N.’s assessment notice.

They argue, in effect, that Article 17 of the U.N. Charter (concerning the allocation of U.N. expenses among the members) strips Congress of its normal constitutional power and discretion over financial matters under the Constitution’s Appropriations Clause (Article I, Section 9). It would certainly come as news to Congress that the U.N. Charter had modified its power over the purse. The Supreme Court has been consistent on this point. As it said in 1871 in *The Cherokee Tobacco*, “an act of Congress may supersede a prior treaty.” There is no doubt that, whatever the U.N.’s assessment notice may say, Congress is fully within its rights to pay it, ignore it or do anything in between.

Fourth, American constitutional requirements override “international law.” It’s hard to imagine that any member of Congress would seriously argue the contrary point: That the U.S. is “bound” to pay its U.N. assessments because there is a “higher” authority—an authority over and above the Constitution—that somehow compels such a result.

Some acolytes of international law, however, make precisely that argument, contending that whatever the provisions of American jurisprudence, it must bend its knee to higher international authority. In their view, this is just the next step up from saying that state law gives way before contrary federal law. In that sense, they say, falling to acknowledge higher international authority renders the nonpayment of U.S. assessments “illegal.”

The argument that the U.S. Constitution is subordinate to international law, erroneous though it is, at least has the virtue of clarity. Either the U.N. Charter amends the U.S. Constitution to diminish congressional discretion over appropriations or it does not. If it does, then the utopian internationalists are right, and the U.S. is a global outlaw. If not, then the normal constitutional powers of Congress (and the President) are undiminished, and Congress can legitimately override any treaty provision it chooses. There is no escape from this logic.

Of course, the decision on whether and what amounts the U.S. should pay for U.N. matters, political though it may be, is not an excuse for obtaining benefits on the cheap. It does not follow inevitably that because the U.S. is not legally obligated to pay, it should not pay. Instead, the correct conclusion is that the U.S. should meet its commitments when it is in its interests to do so and when others are meet-

ing their obligations as well. It is precisely the satisfaction with the performance of other member governments and U.N. secretariats that has led to Congress's withholding of appropriations before—and which may well do so again.

---

Prepared Statement of John R. Bolton

BEFORE THE

*Committee on International Relations, U.S. House of Representatives*

April 9, 1997

Thank you, Mr. Chairman, for the opportunity to testify today before the Committee on the question of whether United Nations peacekeeping serves U.S. interests. I will summarize my testimony, and I request that the complete text be included in the record of this hearing.

Although the subject is a broad one, I hope to concentrate in this prepared statement on the subject of financing U.N. operations, a topic which covers not only peacekeeping, of course, but all U.N. operations financed by assessed contributions. I do so not in any way to minimize the importance of the political and diplomatic questions concerning U.N. peacekeeping, which I would be happy to address in response to questions from Members of the Committee. Rather, I believe that the financial responsibilities of the United States in international organizations have not been well understood, and I hope to contribute to correcting that problem. While my views are still somewhat preliminary, I welcome the opportunity to present them to the Committee for your consideration.

Before turning to the financial issues, however, I wanted to summarize quickly my views on peacekeeping. To assist the Committee, I have attached a copy of "Intrastate Conflicts and American Interests" from the Spring, 1995, issue of *Human Rights Brief*, which states many of these views at somewhat greater length. I conclude basically that "traditional" U.N. peacekeeping, in situations truly implicating international peace and security, remains a viable instrument of foreign policy.

Where peacekeeping has run into difficulties recently, it has been for one of two reasons. First, the Security Council has unwisely attempted to expand "peacekeeping" into "peace enforcement" in situations where the U.N. membership, and particular its leading nations, was politically unwilling to follow through on its rhetoric. In part, these problems resulted from deviating from the basic assumptions underlying successful peacekeeping (consent of the parties, U.N. neutrality, and use of force by U.N. peacekeepers only in self-defense) without honestly confronting what such deviations would mean on the ground.

Second, the Security Council, and especially the United States, has been too prone recently to involve the U.N. in what are essentially the internal conflicts of member States. These conflicts, which often bring tragic humanitarian consequences, do not rise to the level of the Security Council's jurisdiction—threats to international peace and security. In the absence of such threats, involving the Security Council involves the U.N. in conflicts not readily amenable to resolution in that forum, and weakens its legitimacy and ability to act in matters which truly threaten international peace. It is in these situations that one can truly say that the U.N.'s best friends (those advocating a larger and larger U.N. role in international affairs) are frequently its worst enemies (by involving the U.N. in situations where it must inevitably fail).

Turning to the financial issue, my basic argument is that the United States has no binding legal obligation to pay assessed contributions to the United Nations, for

peacekeeping or for other purposes. Whatever may be the “political,” “diplomatic,” or “moral” arguments or interests at stake, the issue is not “legal” in any conventionally understood sense of that term in the United States. This argument is fully supported by both judicial and legislative precedent, stretching over nearly the entirety of American history. While this legal conclusion differs from what passes as the contemporary conventional wisdom, I believe that it is the conventional wisdom that is wrong. I offer these thoughts in the form of propositions, which I then discuss in light of the applicable American legal authorities and practice.

*1. Treaties have no special or higher status than other legislative acts, or the U.S. Constitution.*

I have been surprised, in conversations even with knowledgeable and sophisticated foreign policy analysts, to hear repeated references to treaties as possessing some special status in the American legal system. I believe that the confusion stems from a misreading both of the Supremacy Clause of the Constitution, and of the well-known opinion by Mr. Justice Holmes in *Missouri v. Holland*, 252 U.S. 416 (1920).

The Supremacy Clause provides:

This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

*U.S. Constitution, Article VI, clause 2.*

The inclusion of “treaties” in the Clause was a deliberate effort by the Framers to subordinate contrary State laws to treaties entered into by the national government. Under the Articles of Confederation, States had frequently enacted laws which, for example, clashed with the Treaty of Paris of 1783. Just as the Framers intended duly enacted laws at the national level to supersede contrary State laws, so too, national treaties were intended to trump State law under the Supremacy Clause.<sup>1</sup>

The Constitution entrusted the treaty-making power solely to the national government, by providing that the President “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur. . . .” U.S. Constitution, Article II, Section 2, clause 2. Indeed, the Framers also provided that “No State shall enter into any Treaty, Alliance, or Confederation . . .,” to make it completely clear that the treaty power belonged only to the national government. (*Id.* Article 1, Section 10, clause 1.)

In *Missouri v. Holland*, *supra*, the State of Missouri challenged the constitutionality of the Migratory Bird Convention of 1916 with Great Britain, as well as statutes and regulations intended to implement the treaty. Missouri argued that the Convention, which attempted to limit the killing and capturing of migratory birds in the U.S. and Canada, violated the Tenth Amendment. The Supreme Court rejected Missouri’s argument and upheld the validity of the treaty, as well as the implementing statute and regulations.

Justice Holmes specifically concluded that “[t]he treaty in question does not contravene any prohibitory words to be found in the Constitution.” (252 U.S. at 433.) Nonetheless, his opinion added expansively that:

It is said that a treaty cannot be valid if it infringes the Constitution; that there are limits, therefore, to the treaty-making power; and that one

<sup>1</sup> See *Reid v. Covert*, 354 U.S. 1, 16–17 (1957).

such limit is that what an act of Congress could not do unaided, in derogation of the powers reserved to the states, a treaty cannot do.

Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States. . . . We do not mean to imply that there are no qualifications to the treaty-making power; but they must be ascertained in a different way. It is obvious that there may be matters of the sharpest exigency for the national well-being that an act of Congress could not deal with, but that a treaty followed by such an act could, and it is not lightly to be assumed that, in matters requiring national action, “a power which must belong to and somewhere reside in every civilized government is not to be found [citation omitted].

(*Id.* at 432–33.) Having dealt with the Convention, Justice Holmes summarily upheld the implementing statute: “If the treaty is valid, there can be no dispute about the validity of the statute under article 1, [Sec.] 8, as a necessary and proper means to execute the powers of the government.” (*Id.* at 432.)

Concern about the implications of Justice Holmes’ dicta grew particularly acute after World War II, with the formation of the United Nations and numerous other international organizations, as some became concerned that the Treaty power might be used as a “back door” way to amend the Constitution. This concern led to an extended discussion about whether to amend the Constitution to provide that treaties could become effective internal U.S. law only through subsequently enacted legislation that itself would be constitutional. This debate over the “Bricker Amendment,” while inconclusive, highlighted the relationship of treaties to the American legal system.

Perhaps sensing the need to quiet the concerns generated by *Missouri v. Holland*, the Supreme Court revisited the issue in *Reid v. Covert*, 354 U.S. 1 (1957). There, the Court invalidated the murder convictions of wives of American servicemen who had accompanied them as dependents overseas, and who were convicted of murdering them by military courts martial. A plurality of the Court concluded that military trials of civilians generally violated the Constitution, while Justices Frankfurter and Harlan limited their opinion only to capital cases.

The plurality opinion by Justice Black rejected an argument by the government that courts martial of dependents accompanying the U.S. military overseas were required to implement international agreements made with the countries where they were stationed. The Court concluded that “no agreement with a foreign nation can confer power on the Congress, or on any other branch of Government, which is free from the restraints of the Constitution.” (354 U.S. at 16.)

After quoting the Supremacy Clause, Justice Black stated:

There is nothing in this language which intimates that treaties and laws enacted pursuant to them do not have to comply with the provisions of the Constitution . . . . It would be manifestly contrary to the objections of those who created the Constitution, as well as those who were responsible for the Bill of Rights—let alone alien to our entire constitutional history and tradition—to construe Article VI as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions. In effect, such construction would permit amendment of that document in a manner not sanctioned by Article V.

(*Id.* at 16–17.) Justice Black added that “[t]his Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty.” (*Id.* at 17) (emphasis added). He then concluded expressly: “There is nothing in *Missouri v. Holland* [citation omitted] which is contrary to the position taken here. There the Court carefully



noted that the treaty involved was not inconsistent with any specific provision of the Constitution.” (*Id.* at 18.)

Thus, for purposes of American law, treaties do not exist apart from or outside of that body of law, or in a position superior to or superseding the Constitution, or any of its requirements or prohibitions. Whatever the legal impact of a treaty—a point I turn to next—that impact must be determined consistently with the Constitution and subordinate American law.

2. *Treaties are “law” only for U.S. domestic purposes. In their international operation, treaties are simply “political,” and not legally binding.*

Another major source of confusion about the effect of U.S. treaty obligations is what it means to say that they constitute, in the Constitution’s phrase, “the supreme Law of the Land.” In normal American usage, the word “law” denotes a binding obligation. In the context of U.N. assessments, the argument is frequently made that these assessments are the result of a treaty obligation, hence are the “law of the land,” and hence are “legally binding” on Congress to pay in full and in a timely fashion.

This line of argument is flatly incorrect. To the extent that adherence to the U.N. Charter carries any obligation, it is political in nature, and subject to all of the possibilities for modification or abrogation of any political arrangement. That renders it fundamentally different from a treaty that affects the domestic relationships between the government and its citizens, or between private citizens, as the Supreme Court has repeatedly recognized.

In *Edue v. Robertson*, 112 U.S. 580 (1884) (the “Head Money Cases”), the Court upheld as constitutional a per-person fee on immigrants, to be used for the support of those who need care or assistance after landing. The ship owners challenging the fee’s validity argued that the statute establishing the fee violated several U.S. treaty obligations. The Court rejected this argument, and in so doing articulated the important distinction between the effect of treaties in the international arena, on the one hand, and within the United States, on the other. With respect to the international arena, the Court said:

A treaty is primarily a compact between independent Nations. It depends for the enforcement of its provisions on the interest and the honor of the governments which are parties to it. If these fail, its infraction becomes the subject of international negotiations and reclamations, so far as the injured party chooses to seek redress, which may in the end be enforced by actual war.

(112 U.S. at 598.)

With respect to a treaty’s domestic impact, however, the Court explained that:

... a treaty may also contain provisions which confer certain rights upon the citizens or subjects of one of the Nations residing in the territorial limits of the other, which partake of the nature of municipal law, and which are capable of enforcement as between private parties in the courts of the country.

(*Id.*)

In such circumstances:

[a] treaty, then, is a law of the land as an Act of Congress is, whenever its Provisions prescribe a rule by which the rights of the private citizen or subject may be determined. And when such rights are of a nature to be enforced in a court of justice, the court resorts to the treaty for a rule of decision for the case before it, as it would to a statute.

(*Id.*) (emphasis added)

The Supreme Court's distinction in the *Head Money Cases* echoed the same point made in *The Federalist*, Number 75: treaties "are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign." As the Court indicates, when treaties operate as "municipal law," they are justiciable as are all other similar legal requirements. "An illustration of this character is found, in treaties which regulate the mutual rights of citizens and subjects of the contracting Nations in regard to rights of property by descent or inheritance, when the individuals concerned are aliens." (112 U.S. at 598.) In the international arena, however, resolution of disputes arising under treaties requires political adjustments—not legal adjudications—among the states party to the treaty, up to and including war.

Precisely this kind of political environment is where the dispute over U.N. assessments is to be found, not in cognizable legal obligations. The Supreme Court has recognized:

... but that circumstances may arise which would not only justify the Government in disregarding [a treaty's] stipulations, but demand in the interests of the country that it should do so, there can be no question. Unexpected events may call for a change in the policy of the country. Neglect or violation of stipulations on the part of the other contracting party may require corresponding action on our part. When a reciprocal engagement is not carried out by one of the contracting parties, the other may also decline to keep the corresponding engagement.

(*Chae Chan Ping v. United States*, 130 U.S. 581, 600–01 (1889).) Virtually these exact words could be used today to describe the rationale for the withholding of the U.S. assessed contributions to the U.N.

In short, treaties are "law" to the extent that they constitutionally adjust private-private and private-public relationships within the United States. They are "political," and not legally binding, to the extent that they purport to affect relations among national governments. There may be good and sufficient reasons to abide by the provisions of a treaty, and in most cases one would expect to do so because of the mutuality of benefits that treaties provide, but not because the U.S. is "legally" obligated to do so. As the Supreme Court observed in *Chae Chan Ping*: "*whilst it would always be a matter of the utmost gravity and delicacy to refuse to execute a treaty, the power to do so was prerogative, of which no nation could be deprived without deeply affecting its independence.*" (130 U.S. at 602) (emphasis added).

3. *Treaty obligations can be unilaterally modified or terminated by Congressional action.*

A variation of the argument that the U.S. is "legally" bound to pay whatever assessment is presented to it by the U.N. is that Congress lacks the power to authorize and appropriate a different amount. Under this variation, membership in the U.N. and adherence to Article 17 of the Charter strips Congress of the discretion over financial contributions, and "binds" Congress to the level presented by the U.N.'s billing notice. It is in this sense that some U.N. supporters argue that Congress is "legally" obligated to pay because the U.N. Charter is a treaty obligation.

The House of Representatives rejected precisely this argument 201 years ago. Several provisions of the Jay Treaty of 1796, establishing "mixed commissions" to address various issues, required appropriations to make them effective. Supporters of the Treaty argued that, since it had been duly ratified, Congress was obligated to make the necessary appropriations. Opponents, by contrast, argued that separate legislative action was required by the Constitutional provision that "no money shall

be drawn from the Treasury, but in Consequence of Appropriations made by Law ...” (U.S. Constitution, Article I, Section 9, clause 7.)

Historical discussion of the congressional debate over the Jay Treaty has concentrated on the struggle by Congress to obtain the negotiators’ instructions. Nonetheless, while the debate was confused, at best, on several points, the financial question was also one of significance. As it turned out, the opponents, led by Congressmen James Madison and Albert Gallatin, prevailed on the financial point, certainly in the court of history.<sup>2</sup> While the House appropriated the money necessary to implement the Treaty, it also adopted a Resolution that stated:

... [W]hen a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution as to such stipulations on a law or laws to be passed by Congress, and it is the constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or in expediency of carrying such treaty into effect, and to determine and act thereon as in their judgment may be most conducive to the public good.

(5 *Annals of Congress* 771, 782 (1796).) Thus, two centuries of precedents in this House confirm the legitimacy of the House, and the Senate, making their own judgments on appropriations, independent of any prior treaty ratification. Authorizing or appropriating less than the full amount of a U.N. agency’s assessment is doing nothing more nor less than what Madison and Gallatin successfully urged two centuries ago.

In the *Head Money Cases*, the Supreme Court also addressed the role of the House, compared to that of the Senate:

A treaty is made by the President and the Senate. Statutes are made by the President, the Senate and the House of Representatives. The addition of the latter body to the other two in making a law certainly does not render it less entitled to respect in the matter of its repeal or modification than a treaty made by the other two. If there be any difference in this regard, it would seem to be in favor of an Act in which all three bodies participate. And such is, in fact, the case in a declaration of war, which must be made by Congress, and which, when made, usually suspends or destroys existing treaties between the Nations thus at war.

(112 U.S. at 599.)

This practice is entirely consistent with an essentially unquestioned line of congressional practice that treaties can be voided or unilaterally modified by subsequent congressional action. The first example of such action took place shortly after the Jay Treaty controversy, described above. In 1798, relations with France had deteriorated to the point that Congress voided previously existing treaties between that country and the United States. The key explanatory language of the repealing statute provided that:

Whereas, the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government; and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints have been repelled with indignity; And whereas, under authority of the French Government, there is yet pursued against the

<sup>2</sup>See Killian and Beck, eds. *The Constitution of the United States of America*, Congressional Research Service (1987) at 502–03. See also: Samuel B. Crandall, *Treaties, Their Making and Enforcement*, John Byrne & Company (1916) at 177.

United States a system of predatory violence, infracting the said treaties and hostile to the rights of a free and independent nation. . . .

(1 Stat. 578 (1798), quoted in *Chae Chan Ping v. United States*, *supra*, 130 U.S. at 601.) Adjusting for the different circumstances, of course, much of this language might seem applicable to the United Nations today.

Where Congressional actions modifying treaties have been challenged judicially, there is an unbroken line of Supreme Court precedent holding that such legislative actions are entirely lawful and constitutional. Thus, in *Chae Chan Ping v. United States*, *supra*, a statute prohibiting the entry into the United States of certain Chinese laborers was challenged on the ground that it contravened existing treaties between the United States and the Emperor of China. The Court conceded that the challenged statute in fact violated the treaties indicated, but was not thereby invalid. The Court reasoned:

A treaty, it is true, is in its nature a contract between nations, and is often merely promissory in its character, requiring legislation to carry its stipulations into effect. Such legislation will be open to future repeal or amendment. If the treaty operates by its own force, and relates to a subject within the power of Congress, it can be deemed in that particular only the equivalent of a legislative Act, to be repealed or modified at the pleasure of Congress. In either case the last expression of the sovereign will must control.

(130 U.S. at 600.)

Moreover, Congress may exercise this authority for whatever reason it chooses: “it is wholly immaterial to inquire whether it has, by the statute complained of, departed from the treaty or not; or, if it has, whether such departure was accidental or designed; and if the latter, whether the reasons therefor were good or bad.” (*Id.* at 602. *See also: The Cherokee Tobacco*, 78 U.S. 616, 621 (1871) (“A treaty may supersede a prior act of Congress . . . , and an act of Congress may supersede a prior treaty.”); *Edve v. Robertson*, *supra*, 112 U.S. at 597 (“We are of opinion that, so far as the provisions of the Act may be found to be in conflict with any treaty with a foreign Nation they must prevail in all the judicial courts of this country.”); *Whitney v. Robertson*, 124 U.S. 190, 194 (1888) (“By the Constitution a Treaty is placed on the same footing, and made by like obligation, with an Act of legislation. Both are declared by that instrument to be the supreme law of the land, and no superior efficacy is given to either over the other. [I]f the two are inconsistent, the one last in date will control the other. . . .”); *Reid v. Covert*, *supra*, 354 U.S. at 18 (“This Court has also repeatedly taken the position that an Act of Congress, which must comply with the Constitution, is on a full parity with a treaty, and that when a statute which is subsequent in time is inconsistent with a treaty, the statute to the extent of conflict renders the treaty null.”).)

#### 4. American Constitutional requirements override “international law.”

There may be those who contend, even despite what I believe to be the overwhelming weight of American legal authority, that the United States is still somehow “bound” to pay the U.N.-billed assessed contributions. The only logical way to make such an argument, however, is the willingness to assert that there is a “higher” authority—an authority over and above the Constitution—that somehow compels such a result. Some have argued that “international law” constitutes such an authority, and that, whatever the provisions of American jurisprudence, that jurisprudence is subordinate to “international law.” Just as laws duly enacted by the Federal Government have supremacy over State laws to the contrary, so, by analogy, inconsistent American law must bend its knee to the higher controlling authority.

I am not aware that this argument has ever been seriously advanced in Congress or in Federal court. If it were, I have little doubt what reaction it would receive. In fact, the Supreme Court has previously said that “[t]he powers of Government are delegated in trust to the United States, and are incapable of transfer to any other parties. They cannot be abandoned or surrendered.” (*Chae Chan Ping v. United States*, *supra*, 130 U.S. at 609.)

There are, however, those who do make such arguments, in American academia, and abroad. While there is neither time nor space here to resolve the question of “what is law?” I offer a few observations. *First*, because there is no clear authority that determines what constitutes “international law,” it hardly amounts to “law” as that term is conventionally understood in a constitutional system such as ours. Indeed, the vast bulk of such “law” seems to be what commentators and law professors say it is. Their works may make interesting and even persuasive reading, but they in no sense amount to “law.”

*Second*, even if the players could agree on a baseline of what “international law” was, there is no accepted way of adjudicating disputes arising under that law. Even—or perhaps especially—the International Court of Justice is inadequate to the task, reflecting in part the underlying lack of consensus on what the “law” being adjudicated is in the first place, what precedents and procedures should govern, the course of reasoning to be followed, and on and on.

*Third*, and most importantly, international disputes over treaty obligations are, at bottom, political (and, at worst, military). Resolution of those disputes does not turn on legal questions, but on the political cost-benefit analysis of the respective parties to the agreement in question.

In the context of the United Nations, no purpose is served by pounding on the idea that the U.S. is acting “illegally” by not paying the assessments decided by the General Assembly or other governing bodies. Even one of the eminent treatise writers on the U.N. Charter concedes that “[i]n principle, a right to refuse payment of assessed contributions should be recognized within certain limits.”<sup>3</sup> In fact, insisting on the supposed American “legal” obligation, as opposed to asserting valid American interests in favor of payment, betrays the weakness of those advocating full payment of the assessment. If that is the strongest argument they have, their position is weak indeed.

Finally, I conclude by pointing out that the decision of whether and what amount the United States should pay for U.N. peacekeeping, political though it may be, is not an excuse for obtaining benefits on the cheap. It is not a logical inference to argue that because the United States is not obligated to pay, it should not pay. Instead, the correct conclusion is that the United States, whether “legally” obligated or not, should meet its commitments when it is in its interest to do, and when others are meeting their obligations (and not just the financial ones) as well. This is the logic that persuades me that financial contributions by member States to the U.N. system should be voluntary, or through negotiated “replenishments,” rather than by assessments.

Peacekeeping is an especially good example of why assessments should be voluntary. There are certain peacekeeping missions that benefit some member States disproportionately, and these States should realistically be expected to shoulder a greater part of the costs than what would be produced by the U.N.’s “capacity to pay formula” or its “peacekeeping” formula. Voluntary contributions have a way of concentrating the Security Council’s attention in a way that assessed contributions frequently do not. I would urge that the Committee continue to investigate ways of

<sup>3</sup>Bruno Simma, ed., *The Charter of the United Nations: A Commentary*, Oxford University Press (1994) at 329.

encouraging the Administration to enhance the range of voluntary as opposed to assessed contributions within the U.N. system.

Thank you again, Mr. Chairman, for the opportunity to appear today before the Committee. I would be pleased to answer any questions the Committee may have.

## **WELCOMING REMARKS BY HON. JESSE HELMS, DELIVERED IN THE OLD SENATE CHAMBER OF THE U.S. CAPITOL**

---

**THURSDAY, MARCH 30, 2000**

DISTINGUISHED AMBASSADORS, DR. BAKER, LADIES AND GENTLEMEN. On behalf of the Foreign Relations Committee—and, indeed, on behalf of all 99 of my Senate colleagues—it is my great pleasure to welcome you to the United States Senate.

My colleagues and I very much appreciated the warm welcome you all extended to us during our visit to the United Nations in January, and we are grateful to have the opportunity today not only to repay your hospitality, but especially to continue the important dialogue we began in New York.

We welcome you this morning in a room filled with history. The United States Senate met in this chamber from 1810 until 1859—except for a brief period in 1814 after the British marched on Washington and set fire to the Capitol Building. (No need to worry, Ambassador Greenstock, we got over it a long time ago).

It was in this chamber that the “Great Triumvirate” of Senators Daniel Webster, Henry Clay, and John C. Calhoun conducted some of the greatest debates in our nation’s history during what was known as the Senate’s “golden age.” And, after the Senate left for larger quarters, this chamber is where the United States Supreme Court deliberated until 1935, 65 years ago.

Now, with your groundbreaking visit to the United States Senate, we are adding another chapter to the illustrious history of this room.

It is indeed appropriate that you have begun your visit today in this chamber. For in this room, two of the three co-equal branches of our nation’s government held some of their greatest deliberations.

Which is significant because, for many of our friends from foreign lands, our tripartite system of government is a mysterious institution. I know it has been suggested to you that the President alone speaks for the United States in foreign affairs. And in most nations of the world—even the great democracies—that is indeed the case; the executive branch of government dominates, and has a near monopoly in the conduct of foreign policy.

Not so the United States. Our Founding Fathers had a brilliant and revolutionary vision in establishing the separation of powers,

and a government with three independent and co-equal branches, the Executive branch, the Congress, and the Judicial branch. For those coming from countries with different systems, it is sometimes difficult for visitors to appreciate the unique role the United States Senate plays in setting our nation's foreign policy agenda.

The United States can enter into no treaty without the advice and consent of the Senate (some presidents have gotten into trouble by demanding the Senate's consent, while spurning the Senate's advice); no ambassador can represent this nation abroad without the Senate's approval; and no foreign policy initiative that involves the taxpayer's money can go forward without those funds being authorized by Congress (as you are no doubt aware).

When I had the privilege of addressing you in New York, I said to you that if we are to have a new beginning in U.S.-U.N. relations, we must endeavor to understand each other better. In my meetings with the distinguished Secretary General and his staff—and in visiting with you at the U.N. I learned a great deal about that institution.

To reciprocate, I have asked the Director of the Senate Historical Office, Dr. Richard Baker, to come here this morning and share with you some of the history of the U.S. Senate—the world's greatest deliberative body, and its role in the making of U.S. foreign policy. It is my hope that this will be helpful to you and give you a better understanding of this institution, the U.S. Senate.

With the Foreign Relations Committee's visit to New York, and now with your visit here today, I think we can say—quite literally—that we are making history together. I hope that we can continue to do so.



## **ROUNDTABLE DISCUSSION WITH MEMBERS OF THE UNITED NATIONS SECURITY COUN- CIL: CRUCIAL ISSUES BEFORE THE UNITED NATIONS**

---

**THURSDAY, MARCH 30, 2000**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The roundtable was convened, pursuant to notice, at 2:07 p.m. in room SD-419, Dirksen Senate Office Building, Hon. Jesse Helms (chairman of the committee) presiding.

Members of the Foreign Relations Committee present: Senators Helms, Grams, Frist, Biden, Sarbanes, Wellstone, and Boxer.

Members of the Armed Services Committee present: Hon. John Warner, Chairman; and Hon. Carl Levin, Ranking Member.

United Nations participants present:

His Excellency Arnaldo M. Listre, Permanent Representative of Argentina.

His Excellency Anwarul Karim Chowdhury, Permanent Representative of the People's Republic of Bangladesh.

His Excellency Robert R. Fowler, Permanent Representative of Canada.

His Excellency Wang Yingfan, Permanent Representative of China.

His Excellency Jean-David Levitte, Permanent Representative of France.

Her Excellency Mignonette Patricia Durrant, Permanent Representative of Jamaica.

His Excellency Agam Hasmy, Permanent Representative of Malaysia.

His Excellency Moctar Ouane, Permanent Representative of the Republic of Mali.

His Excellency Martin Andjaba, Permanent Representative of the Republic of Namibia.

His Excellency Arnold Peter van Walsum, Permanent Representative of the Netherlands.

His Excellency Sergey V. Lavrov, Permanent Representative of the Russian Federation.

His Excellency Said Ben Mustapha, Permanent Representative of Tunisia.

His Excellency Volodymyr Y. Yel'chenko, Permanent Representative of Ukraine.

His Excellency Sir Jeremy Quentin Greenstock, Permanent Representative of the United Kingdom.

The Honorable Richard Holbrooke, United States Representative to the United Nations.

**OPENING STATEMENT OF HON. JESSE HELMS, U.S. SENATOR  
FROM NORTH CAROLINA**

Chairman HELMS. Usually with this gavel I say "The committee will come to order," but I want to say let us all come to order. Let me reiterate how much it means to all of us to have all of you here. I hope that it will be good for everybody concerned.

Ambassador Holbrooke, Mr. President, distinguished Ambassadors, ladies and gentlemen, welcome to this roundtable discussion of the Senate Foreign Relations Committee. This is indeed a historic day. Just as the Senate Foreign Relations Committee's U.N. visit in January, when we invited you here for this date in March, was the first time the committee had ever traveled en masse to visit an international institution, this is the first time that the entire United Nations Security Council has traveled together as a group to visit the United States Capitol.

I cannot tell you how honored I am as a country boy to be sitting here saying hello and best wishes. We are extremely—I wish I had Dr. Holbrooke's deep voice which would be very helpful—we are extremely honored to have you all here.

Let me get down to the one point of business. When I spoke to you in the Security Council chamber, I said that I came to extend my hand in friendship and to convey the hope that we can work together to build a more effective United Nations. That hand is still outstretched. I hope that our committee's visit to the U.N. did advance the goal a little bit and I am confident that your visit here today will do a great deal, and that is the reason I am glad to see you.

But I do hope that we can agree to disagree agreeably and proceed in friendship in a search for common ground.

Earlier in this century, this committee was seized with the issue of whether or not to approve the Treaty of Versailles which would establish the League of Nations. The chairman of the Foreign Relations Committee then, Henry Cabot Lodge, was not implacably opposed to the League, but he was opposed to the radical vision of the League championed by President Wilson.

Instead of fighting to kill the League, Chairman Lodge made a constructive offer. He asked for 14 common sense conditions to the treaty establishing the League of Nations and there was an outburst of discussion between the President and so forth that I will not go into. In any case, the point is this, that the League of Nations failed.

This committee, through the leadership of Senator Biden and Senator Grams and many others, has extended a hand of friendship to the United Nations. We want very much to improve the relationship between us and you and to strengthen cooperation between our country and the United Nations on terms of respect and cooperation that takes into account sovereignty and independence of the United States of America. And I said that in New York and I meant it.

We have attempted to lay out a path by which such an improved relationship would be possible, if not probable. In any case, we have invited you here today in our sincere hope that, through increased dialog and increased understanding, we can improve the U.S.-U.N. relationship. We want to work with you to help the United Nations serve the purpose for which it was designed, that is to help sovereign states coordinate collective action by "coalitions of the willing," to provide a forum where diplomats can meet and keep open channels of communications in times of crisis, to provide the peoples of the world with important services such as peacekeeping, weapons inspection, and humanitarian relief.

All this is important work. For my part, I sincerely hope that we can travel down the path of mutual respect and cooperation together and that our discussions today will lead us in that direction.

Now then, before we begin our discussion, a few housekeeping notes. Our discussion will be in two parts. The first hour will be dedicated to U.N. reform. It will be led by Senator Biden and Senator Grams and I, of course. Senator Grams, by the way, is Chairman of the International Operations Subcommittee and he has been our principal interlocutor with the United Nations and played a critical role in crafting our U.N. reform package.

We will conclude at 3 p.m. and take a 5-minute break, and then the Chairman of the Armed Services Committee, Senator John Warner, and the committee's Ranking Member, Carl Levin, will then lead off our discussion on U.N. peacekeeping.

After the opening remarks, Senators and Ambassadors will be recognized in the order in which they seek recognition, alternating as much as possible between Ambassadors and Senators. As our custom is in the Foreign Relations Committee, remarks will be limited to 5 minutes and will be measured by a lighted timer. The yel-

low light when it comes on indicates that you have 30 seconds left, and the red light indicates time has expired.

I now turn to my distinguished colleague Senator Biden, and after he concludes we will turn to the distinguished Ambassador of Bangladesh, who is the current President of the Security Council, then to Senator Grams, then to the Ambassador of Namibia, the current President of the General Assembly, and then to Senator Boxer.

Senator Biden.

**STATEMENT OF HON. JOSEPH R. BIDEN, JR., U.S. SENATOR  
FROM DELAWARE**

Senator BIDEN. Thank you, Mr. Chairman and distinguished guests.

Mr. President, distinguished guests, members of the Security Council: To repeat what I said earlier, it is truly an honor to have you here. I do not think we have ever had as distinguished a group of individuals representing so many nations in this Foreign Relations Committee room, and I want to thank you for being here.

Let me be very, very brief. One of the reasons why we asked you here is you often hear emanating from us and from the press our views of what we should and should not do. We are anxious and I am anxious to hear your views. I hope we can do what I suspect all of you as trained diplomats do every day, and that is focus on the parts we agree on and not spend too much time on the parts we disagree on.

Let me be more precise. I know and I understand that, on the issue of "reform" of the United Nations, that you may all agree that there is a need for reform of the United Nations. You probably all agree that we should not be telling you and conditioning our support for the United Nations on what we think reform should be. I understand that.

But I just hope we are able to discuss frankly, if we can, in addition to your possible displeasure with the way in which we conditioned what we did, I hope we will frankly discuss what reforms are or are not needed in the United Nations. I doubt whether any one of us would suggest that moving into the 21st century attempting to achieve the role which many of us dream the United Nations can achieve of being that single most significant world body to help maintain order, bring peace, and generate prosperity in the world, I doubt whether any of us would think the way we are equipped today is totally sufficient to take us through the 21st century.

There is a need. Every major corporation in your country, every major political institution, has engaged in significant reform be-

cause circumstances have changed. I would just respectfully suggest, whether we suggest it or not, many circumstances have changed.

I conclude by saying that for you to understand, I hope, please consider that from the point of view of the average American they never doubted why one-quarter of the responsibility for dues at the United Nations should be borne by the United States in 1951, 1955, 1958, 1963, 1969 and 1975. But they have trouble understanding why that is the case in a fundamentally changed world in the year 2000.

So again, I hope we will have a discussion about what needs to be done. I am not in any way suggesting you should refrain from being critical of what we have done, but we are anxious to hear what you have to say.

Mr. Chairman, I yield the floor.

Chairman HELMS. Thank you, Senator Biden.

Ambassador Chowdhury, whom I had the pleasure of sitting with at lunch today. We had a delightful experience, and we appreciate that. Ambassador Chowdhury is the President of the United Nations Security Council for the month of March, and we recognize you, sir.

**STATEMENT OF HIS EXCELLENCY ANWARUL KARIM CHOWDHURY, PERMANENT REPRESENTATIVE OF THE PEOPLE'S REPUBLIC OF BANGLADESH AND MARCH PRESIDENT, UNITED NATIONS SECURITY COUNCIL**

Ambassador CHOWDHURY. Thank you, Mr. Chairman. It is a pleasure and an honor for me to commence the discussion from the visitors' side, if I may say. Your visit in January, if I may be allowed this comment, was an ice-breaking one, and our visit was a chocolate-breaking one.

But on a serious note, we believe that your visit in January was really, if I may, the door-opening visit. The dialog that you started with us is very important and we believe that as diplomats and I think all civilized people believe that dialog is the only process to reach an understanding, to remove difficulties, to hasten the process of strengthening relationships.

So we are here to continue that process of dialog. We would like to repeat that here you have represented by us 15 countries out of 188 countries of the United Nations. We are all members of the Security Council. Like all our fellow members of the United Nations, we strongly believe in the need for reforms. The world is changing fast. We need to adapt the United Nations to the changing circumstances.

Particularly, we believe that in a post-cold war situation the United Nations really needs to focus itself on its responsibilities in the present day world and in the coming decades. It has to approach these new emerging responsibilities with a process of reform and that is what we are doing.

You are aware, Mr. Chairman, that reform is in the minds of all of us. We believe that, be it big country, small country, rich country, poor country, all of us are interested in reforms. We are engaged seriously in this exercise, and I can tell you on behalf of my colleagues here, on behalf of myself, and even on behalf of the colleagues who are not present here that reform is taken with utmost seriousness by the U.N. membership.

We want to believe that in this process of looking into our reforms all of us need to keep first and foremost the best interests of the United Nations in mind. This is the organization that we are engaged in reforming, so we must see what is in the best interests of the organization and how best it can serve humanity, how best you can reach out to each and every individual of the world to make their lives more secure, more peaceful. That is what we are engaged in.

If I may say, we also should look at the United Nations in its totality, not only in its role in peacekeeping or the international peace and security area, but also in the areas of economic and social development, in the areas of norm-setting that the U.N. has done over the years.

I come from a country which is a developing country, known as, categorized as a least developed country. But millions and millions of people in my country and countries in similar situations around the world have benefited tremendously from the work of the United Nations. The U.N. has made an impact on their lives.

So we believe that we should try to do everything possible to make the U.N. strong, more effective, and more efficient, so we are engaged in this process.

I thank you for this opportunity for me and my colleagues to engage in this interaction with you. We believe that it will be fruitful and worth our visit.

Chairman HELMS. Thank you, Mr. Ambassador.

We will now hear from Rod Grams, Chairman of the Subcommittee on International Operations with oversight for U.N. operations, for his first comments.

**STATEMENT OF HON. ROD GRAMS, U.S. SENATOR FROM  
MINNESOTA**

Senator GRAMS. Thank you, Mr. Chairman.

As a supporter of the U.N. and Chairman of the International Operations Subcommittee, which as you mentioned oversees the United Nations, I want to thank you for extending the invitation to members of the Security Council to visit the Senate. I would also like to express my sincere and personal gratitude for all the Ambassadors who have made the effort to be here as well. I thank you very much.

Congress, as you know, is entering a new phase in our relations with the United Nations and one which I am confident will be less adversarial in the future. I think this meeting will go a long way to underscore that change in tone. I share the belief of the Secretary General that a reformed United Nations will be a more relevant United Nations in the eyes of the world.

So I am interested in listening and also in learning, and I want to perform the needed work in order for the U.N. to reach its potential.

Now, as one who was involved in drafting the U.S. reforms benchmarks, it should come as no surprise that I believe that these are a good start. The Clinton administration has already made a certification regarding the conditions concerning U.S. sovereignty and \$100 million of our arrears has been paid.

The issue which now is at the forefront of all of our minds is the possibility of the change in the scale of assessments in the regular budget and for peacekeeping activities. As you know, payment of \$475 million in U.S. arrears plus \$107 million in debt relief is at stake. Given the top three U.N. budget contributors in calendar year 2000 are assessed a total of 55.43 percent, while the other 85 member countries are assessed a total of 44.57 capability, I would be interested in hearing today your views about the assessment formula, how it can be altered to provide a broader base of support for U.N. operations, although I must add that, having twice served as a congressional delegate to the United Nations, I am convinced that some of the year three conditions, including the anti-nepotism provision and the code of conduct and also creating a mechanism to sunset outdated programs, may be harder to achieve than the changes we are going to discuss in the substance.

In the introduction to his reform proposal, the Secretary General stated the major source of institutional weakness in the United Nations is that certain organizational features have become—and I quote from the Secretary General—“fragmented, duplicative, in some areas ineffective, and other areas superfluous.”

I think we all recognize that, even if the U.N. decides to implement every benchmark in the Helms-Biden legislation, that fundamental shortcomings will not be completely corrected. I hope we

can work together in a very constructive way to consider even more far-reaching reforms than have been proposed to date.

To this end, the chairman and I have asked the U.S. General Accounting Office to prepare a report on the success of the Secretary General's reform initiatives and, while the preliminary findings are very complimentary regarding the changes in the management structure at U.N. headquarters and the human resources system, according to GAO there is no system in place to monitor and evaluate program results or the impacts.

In other words, the U.N. undertakes numerous activities on social, economic, and political affairs, but the Secretariat cannot reliably assess whether these activities have made a difference in people's lives and whether they have improved situations in a measurable way.

I am very interested in your assessment of how well the U.N. can demonstrate it is making a difference, which it is undoubtedly doing in many areas. I strongly believe that the U.N. is an important forum for debate between member states and a vehicle for joint action when warranted. However, the U.N. must enact reforms to provide transparency and accountability so that it can be embraced as an asset.

In closing, I sincerely hope, for the good of the United Nations, that you will join the United States in this mission. Again, like I stressed several times, I look forward to hearing from you on how you view this and what your recommendations will be.

Thank you very much.

Chairman HELMS. Well said, Senator, and I thank you very much.

Senator Biden and I have decided that we have forgiven the United Kingdom for what they did to the U.S. Capitol some years back. Ambassador Greenstock of the United Kingdom.

Mr. Ambassador, would you comment on paternity leave while you speak? [Laughter.]

**STATEMENT OF HIS EXCELLENCY SIR JEREMY QUENTIN GREENSTOCK, PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM**

Ambassador GREENSTOCK. Thank you, Mr. Chairman. I have my matches safely in my pocket today.

Chairman HELMS. Please pull your microphone closer. You are a soft-spoken man.

Ambassador GREENSTOCK. I want to respond to this real opportunity to have a further dialog on roles of the United Nations. I



think we must get down to some of the questions that Senator Grams has raised.

First of all, I want to make a little apology, Mr. Chairman. I would like to apologize for my abruptness recently in saying that the United States had muffled its voice and stained its reputation by falling behind in its obligations to the United Nations. When the voice of the United States at the U.N. is the voice of Ambassador Holbrooke, "muffled" is not the first word that comes to mind. So I think I ought to explain myself.

Mr. Chairman, the United Nations is looking to the United States for the same thing that the States were looking to King George the Third for and did not get: the right balance between representation and taxation. Ambassador Holbrooke is trying to achieve that, but he is fighting to be heard in the United States.

What is at stake is the collective effort amongst nations to control the process of change in the world, what we call globalization, and the U.S. and the U.N. are the two collective institutions that have the greatest influence on and bear the greatest responsibility for that process of change.

Now, the U.N. without the United States is, I think, a limbless organization and the United States without the United Nations lacks the reach and the democratic force to produce that controlled change. The question we have come to ask this committee this afternoon is this: Is the United States prepared to invest in a United Nations that will not realize its full potential without that investment? Like any good investment, it is going to carry some risk. But unless you take that risk, you will never get the higher return that you need in your own interests.

Now, this is, Mr. Chairman, directly relevant to the discussion about U.N. finances. U.N. membership is rightly focused on the capacity to pay of each country in the United Nations, and the United States is using that principle as an argument to get other nations to change their payments to fit with modern economic circumstances. But if the U.S. is uniquely to be excused from that principle, why should the rest of us buy into it?

I think the only effective answer is that as a result the United States will be a consistent and willing partner of the United Nations, choosing unilaterally and voluntarily to put its full strength behind what the United Nations is and is going to become. That decision has to be made within the process of change and not after it, because otherwise we may lack the capacity to do everything that we need to do.

Now, to come to Senator Grams' point, the U.N. is engaged deeply on a reform process and in the next 4 months there are going

to be three separate reviews or reports which are relevant: the Secretary General's report on the U.N.'s role; the review of the internal management of the United Nations, to report this summer; and a review of peacekeeping going on now.

It is essential to have the United States fully involved in this work with its voice clear and uncontested as an uninhibited partner of the United Nations. Then we may be laying the basis for a partnership which will control change.

Thank you, Mr. Chairman.

Chairman HELMS. Thank you very much.

Next is Senator Barbara Boxer, a delightful lady who serves on our committee. I have gotten to know her real well in the matter of this term. She is the ranking member of the Subcommittee on International Operations, which has oversight of the U.S.-U.N. relations, and she is recognized for—you are recognized for making your comment. You may proceed.

**STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM CALIFORNIA**

Senator BOXER. Thank you, Mr. Chairman. I would like to commend you and Senator Biden and Ambassador Chowdhury for arranging this very historic meeting, and I want to extend on behalf of the people of California the warmest welcome to our guests, the Ambassadors of the U.N. Security Council. We are truly proud to have you here in these historic rooms.

I had the great privilege, at the invitation of Ambassador Holbrooke, to visit the United Nations in December. It was a most rewarding experience for me and I was greatly impressed as I listened to the debate at that time. It was about Bosnia. I was greatly impressed in what I heard and how I saw people striving to make progress on a very difficult issue.

One month later, our Chairman, Senator Helms, went to the United Nations. As Ambassador Chowdhury pointed out, it was a breakthrough, it was an ice-breaker. I thought what was really very interesting about that was how he spoke so directly to you. I think that is a high compliment. I think when things are difficult and you do not agree and you have problems, if you lay those out unequivocally it is a high compliment to the people, even though it may be not that pleasant a message.

The fact that someone respects you enough to speak from the heart and tell you how he feels I think is very important. And I said that to my chairman. Although I did not agree with him, he said it, it is in his heart, and this is what he believes.

One of the things I think Ambassador Holbrooke has been trying to do, and I think very successfully, is to try to explain to all who do not reside in our country and who do not exactly understand it the way things work here. We have to reach a compromise on many things, particularly when we have a divided Government as we do. Unlike in Great Britain where you have the same party in control, we deal with different ideologies and different ideas. So we must resolve these questions.

I think that this going in was very, very important. Now, as the chairman has alluded to, I have spent only a short time on this committee. I am a new appointee. I am the only woman on the committee. I am proud to be here. But I do feel my State of California has a unique relationship with the United Nations. As you all know, the Charter was drawn up and signed by the representatives of 50 countries at the conference which met at San Francisco from April to June 1945. So we are very proud of our involvement back in our State.

In the aftermath of World War II, in the tragedy of the Holocaust, the purpose and dream of the U.N. was to preserve peace through international cooperation. And despite our problems and our challenges, I know we are all keeping that in mind. That is why it is so worth the debate to resolve these problems of reform, because the dream is really alive today and that dream of peace through international cooperation cannot die.

So we must resolve the problems that we face. Today there are many problems and we all see it differently. From my perspective it is preventing ethnic conflict, protecting the Earth's environment, stopping the proliferation of weapons of mass destruction, assuring the equal rights of women. These are all issues that can only be solved through international cooperation. One nation cannot solve all these problems alone.

That is why the United Nations is as important today as it was in the years following World War II, and that is why the American people support the United Nations, giving it their highest approval rating since 1959.

One challenge I briefly want to mention is the threat of infectious diseases, such as TB and AIDS. These epidemics know no boundaries and demand an international solution, and I am very proud of Ambassador Holbrooke and the Security Council for their discussion in January on the spread of AIDS, particularly in sub-Saharan Africa. It was the first time ever that an international health issue was discussed before the Security Council, truly an historic event that recognizes the security implications of the AIDS crisis.

I want to compliment my chairman and my ranking member because, with their help, Senator Gordon Smith and I, we reached across party lines to do this. We were able to get through the committee a wonderful initiative to take on the problems of AIDS and tuberculosis, and I think members of the Security Council would be pleased to hear that America is really stepping forward on this.

So Mr. Chairman, again I am very pleased to stand together and work with you and Senator Biden and Senator Grams on resolving some outstanding problems that we may have.

Chairman HELMS. Thank you very much.

Now we have our friend from Namibia, Ambassador Andjaba. I hope I pronounced your name right. I did?

**STATEMENT OF HIS EXCELLENCY MARTIN ANDJABA, PERMANENT REPRESENTATIVE OF THE REPUBLIC OF NAMIBIA**

Ambassador NAMIBIA. Yes, you are right, Mr. Chairman.

Mr. Chairman, I will be brief, and I will start with what you already know and that is that you have a right man at the U.N. at the right time, and that is my dear colleague and friend Ambassador Holbrooke. He is working very hard, very tirelessly, to improve the U.S.-U.N. relationship. But most importantly, Mr. Holbrooke needs your assistance, Mr. Chairman. He needs the assistance of this committee.

The U.S. needs the United Nations and the United Nations needs the U.S. This was said so eloquently by Ambassador Greenstock.

Namibia attaches great importance to reform, but we also believe that reform should not be an end in itself. We also believe that a hasty reform without implementing decisions will weaken the organization. Mr. Chairman, we also believe that reform must accenuate the needs of millions of people around the world, in particular those who live in poverty, those who live in conflict situations, and those living with HIV-AIDS and other diseases. Reform should not put these people in positions where their aspirations are compromised.

Namibia today is known as one of the success stories for the United Nations. We should then work together, all of us nations, big and small, and maximize those successes for the benefit of all of us irrespective of where those successes are.

Let us work together and help the United Nations address the needs and the problems that we ourselves have assigned it to do. Without the necessary resources, without the support, the United Nations will not be able to address those problems that we have asked it to address.

Thank you, Mr. Chairman.

Chairman HELMS. Thank you, sir. We are honored to have you here today along with your comments.

I guess we throw it open now. Senator Biden, anyone who seeks recognition? Ambassador van Walsum, the gentleman from The Netherlands.

**STATEMENT OF HIS EXCELLENCY ARNOLD PETER VAN WALSUM, PERMANENT REPRESENTATIVE OF THE NETHERLANDS**

Ambassador VAN WALSUM. Thank you, Mr. Chairman.

Mr. Chairman, I would like to make it very clear that my country—and I am not here in my personal capacity. We are not here as the Security Council, but we are here as individual members of the Security Council, so I do not speak in my personal capacity, but I am speaking as the representative of The Netherlands on the Security Council.

My country supports all your insistence upon reform at the United Nations, but I cannot help saying once again that we do not like to do so under the pressure of the Helms-Biden legislation. Let me put it in a more positive way: We would like to cooperate with you to bring about reforms, but I am sure we would do so even more enthusiastically if at a certain time in the future the Helms-Biden legislation was repealed.

Senator BIDEN. Well said.

Ambassador VAN WALSUM. What disturbs us about the Helms-Biden legislation is the conditionality. I spoke about that on the 20th of January and I will not do so again. But it is an element which we do not like. The element which we do not like is the concept of withholding money, money that is due under a treaty obligation, to enhance one's influence on a given process.

The reason that we are so sensitive about that is that my country is in relative terms pouring money into the United Nations and getting very little influence in return. The Netherlands is a country with fewer than 16 million inhabitants and last year it spent over 40 million U.S. dollars on assessed contributions and over \$365 million on voluntary contributions to the United Nations.

In the scale of assessments for the regular budget, The Netherlands ranks among the top ten contributors. Moreover, with a percentage of .81 of GNP, it belongs to the top seven country contributors of net official development assistance.

For all this, it obtains very little influence in return. It does currently sit on the Security Council, but that is only for a term of 2

years and it enjoys that privilege on average only once in a generation.

If our parliament should approach this situation even remotely along the same lines as the Senate Foreign Relations Committee, The Netherlands would seriously consider leaving the United Nations. If we did, some people might be sorry, but the United Nations would continue to exist. And that is the crucial difference between our two countries. The United Nations cannot survive without the United States, and this is why we cooperate and why we agree that a solution has to be found.

But it should be clear that we are not cooperating because we think your arguments are valid, but simply because we feel that the United States has to not only stay in the United Nations, but has to be a committed, influential member. So we are not—I just want to make that clear. We are not persuaded by your arguments, but by our enlightened self-interest.

Thank you, Mr. Chairman.

Senator WELLSTONE. Mr. Chairman.

Chairman HELMS. Mr. Wellstone.

**STATEMENT OF HON. PAUL D. WELLSTONE, U.S. SENATOR  
FROM MINNESOTA**

Senator WELLSTONE. I kind of like the comments from the Ambassador from The Netherlands in some ways. I understand his point and I think I find myself more or less in agreement with him.

I just wanted to also thank everyone here, all of the Ambassadors. Ambassador Holbrooke, thank you for your wonderful work.

I just wanted to say to all of my colleagues that, as I think about this world that we live in and I think about my grandchildren—and I now have six—I really see the United Nations playing a really important role, a very important role. Senator Boxer talked about that, whether it be in public health or whether it be trying to deal with the proliferation of weapons of mass destruction or whether it be a sustainable environment or whether it be what my colleague from Namibia referred to as just the whole issue of justice for people and uplifting of living standards of people or whether it be a peacekeeping force—I know that Senator Warner is going to be chairing a session on this—that can get ahead of some of the genocide that we have seen and prevent it.

I just think that ultimately this international organization is going to be terribly important for making this a better world. So the whole issue really becomes when we talk about reform, it still becomes reform for what priorities, reform for what mission, reform for what vision, and I am very focused on those questions.

Thank you, Mr. Chairman.

Chairman HELMS. Thank you, Senator.

Who seeks recognition? Ambassador Wang.

**STATEMENT OF HIS EXCELLENCY WANG YINGFAN,  
PERMANENT REPRESENTATIVE OF CHINA**

Ambassador WANG. Thank you, Mr. Chairman.

I came to New York in February, so I missed your discussion with the members of the Security Council in January. But before I came to Washington I did my homework by reading your statement in the Security Council, and from your statement I picked some words which I think are very important. You stated "friendly atmosphere and understanding."

I am glad that this afternoon we have this very friendly atmosphere and our objective through our discussion is to have a better understanding, which I think we could manage to achieve.

My colleagues in the Council have talked about the point that the United Nations needs the United States, but I think we should stress another point. That is, the United States also needs the United Nations very much. Probably I wish to change "the United Nations" into "the world." The world needs the United States and the United States needs the world as well.

Every nation in the world pays great importance to its relationships with the United States, including the People's Republic of China. The Sino-U.S. relationship is a priority among our relations with countries indeed. We do hope we have very constructive, stronger relationships.

Then, in this interdependent world, the United States, although the only superpower left, you cannot manage everything without the support of other countries in the world. I hope this point could be seen by many American people, especially the representatives in the House and in the Senate.

We talk about reform. For the Chinese people we all know that reform is very important in our world. For the last 20 years or more, every Chinese has benefited from the reforms we have carried out in our country. When we look at the United Nations, which has functioned more than half a century, certainly we need reform if we want to make this unique institution more effective.

So there's no doubt that we should have reform, but in what way we should carry out reforms is very complicated. We had this United Nations half a century ago as a mechanism for world peace and for development of each nation which has its representative in this organization.

We call it United Nations, but, very unfortunately, the nations are not quite united yet. So that is the problem. We had the cold war and even after the cold war we still had a lot of differences in the United Nations on many world issues. But how to have a better world when we look ahead for the new century, the millennium, and the millennium summit and the 21st century's U.N. role. I think we have to try to achieve unity in the United Nations, better unity in the United Nations.

We have a lot of differences among the 188 members because conditions, economic development levels, vary from country to country. But we have not been coming to the United Nations because of differences. We have come here for something we can work for together, the common interest. So we have to work together through the differences for the common ground, for the common interest, where we can really be united so to have an effective United Nations.

About reform, I would say that this morning when I had the tour of the Congress, when I had a briefing on the history of the Senate, I was struck by the point that when you had 37 States in the Senate or in the Congress you passed some rules or laws to protect the majority of the States, I mean the interests of smaller and weaker States. For instance, when you adopt something you have to get two-thirds majority, in order to prevent the fact that the Senate might be dominated by the few important and stronger States.

I think in the United Nations when we have reform we have to defend or try to defend the weaker states or smaller states to have their interests well represented and well defended in this unique world body.

So when we discuss some particular issues or concrete issues we have to bear it in mind in our world we have some rich and strong powers like the United States, but we have a lot of not so strong and quite poor nations. So if they have a common interest, the interest of each member of the United Nations is well represented, well defended there, maybe we would make this United Nations more effective, not only for the few but for every nation.

Thank you.

Chairman HELMS. Thank you. You are the Ambassador of your country?

Ambassador WANG. Yes. I am currently more than 40 days in New York.

Chairman HELMS. What I want you to do is to talk to him about a conversation we had in this hearing room, Ambassador.

Ambassador WANG. Thank you.



Chairman HELMS. Before recognizing the next speaker, please be advised that we will recognize three more before a short break and then turn to peacekeeping with Senator Warner. So three more.

Senator BIDEN. Mr. Chairman, Ambassador Yel'chenko of Ukraine and Ambassador Fowler of Canada have both sought recognition.

Chairman HELMS. And Mali.

Senator BIDEN. With the Ambassador from Argentina is four. I will let you, Mr. Chairman, pick them.

Chairman HELMS. And Senator Sarbanes. I do not know if that is four, but we will do it that way. You may proceed, sir.

**STATEMENT OF HIS EXCELLENCY VOLODYMYR Y.  
YEL'CHENKO, PERMANENT REPRESENTATIVE OF UKRAINE**

Ambassador YEL'CHENKO. Thanks very much, Mr. Chairman. I thank you for your invitation. I am grateful to you for the opportunity to be here and the invitation we received. I am also thankful to you because I come from a country—and now let me quote from the statement of Ambassador Holbrooke during the January meeting in New York—"a country whose independence, as we all know, you strongly supported earlier than anyone else, in the United States."

Let me say that I fully agree with my colleagues who said that we cannot imagine the United Nations without the United States. But it seems to me that, as China said, that the United States needs the United Nations no less than any other country of this organization.

We are aware of the problem which you have, the problem of reform. Let me say that Ukraine is as critical about the United Nations as the United States, and I fully share the words of Senator Grams. On the issue of arrears, let me say, as you well know, Ukraine is No. 2 after the United States as regards its arrears to the United Nations. We owe more than \$200 million to this organization. But when you go to the Ukrainian parliament you will not hear from a single member of the parliament that Ukraine is not going to pay that, although more than two-thirds of our arrears is a result of a fully unjustified decision by the Committee on contributions made back in 1992. But we think this is only a matter of time for us to pay.

But let me say once again that we fully respect and we share your opinion that the United Nations should reform more actively, the internal oversight should be strengthened, the budgetary process should become different. But this will become possible only if it is supported by our joint efforts.

Again, I think that if the United States will be as active as it is now as it is being represented by Ambassador Holbrooke, then everything would be OK.

Thank you.

Chairman HELMS. Thank you, sir.

Senator Sarbanes.

**STATEMENT OF HON. PAUL S. SARBANES, U.S. SENATOR FROM  
MARYLAND**

Senator SARBANES. First of all, I was pleased to hear that very strong endorsement of our Ambassador to the United Nations. We think highly of Richard Holbrooke and we are glad to hear that that attitude also prevails amongst his colleagues in the Security Council.

Mr. Chairman, I just wanted to take a moment or two to welcome our guests. We are very pleased they are here with us today in order to discuss important issues with respect to U.N. activities.

It is my own firm belief that the interests of the United States have been served by our country's active participation in the United Nations and the U.N. system. I think any fair and objective evaluation over the course of the U.N.'s existence would support that observation, and I think our task now is to assist the United Nations to meet the challenges of the new century.

I think we should be very strongly committed to that. The cold war that followed the end of World War II, of course, put the United Nations system into something of gridlock over quite a sustained period of time. Now, with the cold war over, new challenges have arisen that are testing the resolve of the international system.

The U.N.'s work for peace and prosperity has never been easy, but the difficulty of the task has increased in part because the nature of the conflicts the U.N. is asked to address have become more complex. Warfare is increasingly conducted within national borders by parties who do not respond to political or economic pressure, and often involve forces that lack discipline and clear chains of command.

Civilians are not only caught in the crossfire; they actually become the targets or pawns of the violence. And you have the vast refugee flows and complex humanitarian emergencies.

Now, in my perception the U.S. seeks U.N. resolutions to provide a mandate for actions we seek to take, often with others, to serve and protect the international peace and prosperity. This of course often elicits significant contributions from other countries. Sometimes in fact it is other countries that put their troops on the line

in order to accomplish important objectives of which the United States has been very supportive.

By the end of 1999, the figures I have been given are that the U.S. had 677 persons involved in U.N. peacekeeping operations out of a total number of U.N. peacekeepers of 18,410. If we did not have the U.N. and the U.N. system, it would either fall to the United States to respond to these various crises on our own, at greater costs and risks to Americans, or alternatively to suffer the potential consequences of doing nothing and allowing conflicts to spread and intensify.

We often talk about burden-sharing and obviously it is very important to achieve the right ratio. But I think we ought to regard the way the U.N. system works as a very important form of burden-sharing, if the system was not there, and if the U.S. wanted to do something about a problem, we would have to do it on our own or, alternatively, not act and then bear the consequences of inaction.

Besides important peacekeeping work, the U.N. is involved in many worthy efforts around the world. The World Health Organization, working in concert with USAID and other agencies, led a 13-year effort resulting in the complete eradication of smallpox, saving an estimated \$1 billion a year in vaccination and monitoring. It helped, the World Health Organization helped, wipe out polio in the Western Hemisphere. Through its High Commissioner for Refugees, Children's Fund, Development Program, the International Fund for Agricultural Development, and the World Food Program, the U.N. has literally saved millions from famine and provided food, shelter, medical aid, education, and repatriation assistance to refugees around the world.

So Mr. Chairman, I am very pleased that these distinguished Ambassadors have come to the Senate today to share their views with us on the important role that the U.N. has played and I very much hope will continue to play in the years ahead.

I am pleased to extend this warm welcome to our distinguished visitors from the Security Council.

Chairman HELMS. Thank you, Senator.

We have two Ambassadors who wish to be recognized. First, Ambassador Fowler of Canada and then Ambassador Ouane.

Ambassador OUANE. "WON."

Chairman HELMS. Well, I appreciate the correction.

Ambassador BEN MUSTAPHA. Mr. Chairman.

Senator BIDEN. Mr. Chairman, I know we are running short on time on Senator Warner, on the peacekeeping piece here. Maybe we

could recognize the two Ambassadors you just recognized, have Senator Warner then open, and then recognize our friend from Tunisia to speak at that time. Would that be appropriate?

Ambassador BEN MUSTAPHA. Yes.

Chairman HELMS. Ambassador.

**HIS EXCELLENCY ROBERT R. FOWLER, PERMANENT  
REPRESENTATIVE OF CANADA**

Ambassador FOWLER. Thank you, Mr. Chairman, and thank you for your extremely warm welcome here today. We've enjoyed ourselves. You provided a wonderful, splendid lunch, an excellent tour. I enjoyed reverting to the role of history student. I was particularly glad to see the full magnificence that has become of what my ancestors tried to burn down some years ago.

As a Canadian history student, I learned very carefully that that was the result of your attacking Toronto. But I must say that, as a young Montrealer, I never thought it was a terribly bad idea. [Laughter.]

But it is very good of you to have received us so well.

Mr. Chairman, I would like to join our President in underlining the fact that the Security Council has no mandate whatsoever for financial issues, but we are, all 15 of us, members of course of the General Assembly and we all therefore have views as members of the General Assembly regarding the issue that we are discussing this morning, and obviously it is in that guise that we are addressing this issue.

When we get to Senator Warner's issues in a moment, we will approach more directly the area of the mandate of the Council.

Mr. Chairman, if I could begin by expressing some views on issues that were raised by my neighbor (in every sense), Senator Grams, and to acknowledge, as I know he would agree, that of course not only is the U.N. not perfect, it will never be perfect. It will never be Microsoft. We did not design it to be that way.

It represents every culture, every religion, every idea, every ideal, every foible, and every tendency in the world, and that is what we designed it to be. In the main, I think we are very well served by it.

By my count, there are about 8,000 international public servants working for the U.N. in New York. That compares with something over 30,000 working here for you on the Hill. We have overlap and duplication and so do you. There are 50,000 U.N. international public servants working around the world, doing the things that Senator Sarbanes catalogued so effectively a moment ago, and, again, I think they are serving us well.

The U.N. at the senior levels is served by as dedicated a group of international public servants as I have ever seen. That said, we all must ensure that efficiency is the order of the day. I participated in cutting almost a quarter out of the Canadian public service and I assure you that we Canadians are not anxious to see waste and inefficiency in the international public service that we would deplore and find unacceptable at home.

Our Secretary General has said that reform is not an event, it is a process, and it is something that we, I think all of us, must work on every day and in every way, and I think we are making progress in that regard. But Mr. Chairman, the U.N. today is, I believe, significantly sub-optimized. That is principally because the United States is not acquitting its full fiscal obligations and, even more, because we are deprived of your energy and commitment and, indeed, your leadership.

Just imagine what Dick Holbrooke's engagement on fundamentally important issues like peace and security in Africa, the blight of internally displaced persons, or the countless millions of people around the world afflicted with AIDS; just imagine what his brand of energy and engagement could accomplish if Dick were not weighed down in his task by financial delinquency and American ambivalence toward the organization which he serves so admirably. Just imagine what America could achieve in the world were it to leverage its 25 percent in this organization to make it really strong.

I am confident, Mr. Chairman, that with meetings such as this today, with a better understanding of each other's preoccupations, we will get to that stage where the United States will bring to bear that enormous energy with which it has achieved such remarkable things over your short history. If that energy is applied to the work of the international organization that we all serve, we will be able to achieve remarkable things together.

Thank you.

Chairman HELMS. Thank you, sir.

We will hear from the Ambassador from Mali and then a short break. Sit in here or wait in the hall or whatever you want to do.

Ambassador.

**STATEMENT OF HIS EXCELLENCY MOCTAR OUANE,  
PERMANENT REPRESENTATIVE OF THE REPUBLIC OF MALI**

Ambassador OUANE. Thank you, Mr. Chairman. Thank you, Mr. Chairman. Because the time is running I will be very brief.

I have just one comment on U.N. reform. By now it is well recognized that—

Chairman HELMS. Mr. Ambassador, we want to hear everything you say. Pull the mike closer to you, if you will.

Ambassador OUANE. Thank you, Mr. Chairman.

I know the time is running and I will be very brief. I have just one comment on U.N. reform. By now it is well recognized that democratization of the world already is the goal of international community. I do hope that the United States, in supporting democratic values, will take concrete steps to promote democratization of the world order. The process could begin with democratization of the U.N. system. For that reason, we strongly support efforts to reform the U.N. both in peacekeeping and the regular budget.

Thank you.

Chairman HELMS. Thank you.

We will now take a short break. Following that we will recognize you, sir.

[Recess from 3:10 p.m. to 3:19 p.m.]

Chairman HELMS. The order of recognition beginning now, first will be the distinguished Senator from Virginia, Mr. Warner, then Senator Levin, then Ambassador Said Ben Mustapha of Tunisia, and I hope I have your name right. Then we will hear from Ambassador Holbrooke.

So you may proceed, Senator Warner.

#### **STATEMENT OF HON. JOHN WARNER, U.S. SENATOR FROM VIRGINIA**

Chairman WARNER. Thank you, Mr. Chairman, and I commend you, Senator Biden, and the members of this committee for holding this, the second historic meeting between the U.S. Senate and this distinguished international body, the Security Council. I was privileged to be in New York, as I am privileged to be here today.

I am certain in the minds of some there is the question of why should the chairman and ranking member of the Armed Services Committee be involved. It goes back to a great President of this Nation, Teddy Roosevelt, who once said: "Always speak softly, but always carry a big stick." Most of you know far more about diplomacy and foreign policy than do I, but clearly, throughout history, it has been shown that a nation's foreign policy is largely no stronger, no more effective, than that nation's ability, either alone or together with others, to carry out that foreign policy and the will to use force if that force be necessary.

My responsibility in the U.S. Senate is for the roughly 1.4 million, a little more, a little less, men and women wearing the United States uniform all over the world today, working with our allies.

Our concept of the defense of this Nation is one of forward deployment. No one has crossed our shores since our friends from Great Britain and Canada. The oceans have protected us. But now we put our forces with your forces to defend peace around the world.

I am sorry my colleague Mr. Sarbanes departed, because I listened as he talked about the number of U.S. troops. Let me tell you that the defense budget, which I will take to the floor in about 6 weeks, is approximately \$300 billion. It is twice the size of all the defense budgets of the other 18 NATO nations.

I remind you, we are relatively protected here in this country, but we expand that to work with you in many capacities throughout the world in the cause of freedom. And on the subject of peacekeeping, I clearly say that it is a vital role of this organization. We the United States want to be considered a partner in that. And I commend my long-time friend Ambassador Holbrooke for his efforts, and indeed he has taken certain risks and leadership that no other Ambassador in that post in my memory, Mr. Chairman, has taken. But again, he does it to strengthen the relationship between this organization and the United Nations and our country.

But on peacekeeping, I must say I wish to offer some constructive criticism. Again coming back to an old maxim in our country, do not take on more than you can do. We are heavily involved in Bosnia and in Kosovo. We have 4,000 troops, Mr. Sarbanes, in Bosnia and some 6,000 in Kosovo. I did not hear any mention of that in the totals. They may not be wearing blue hats, but they are there implementing the Security Council resolutions, the policy of the United Nations, the EU, the OSCE, and other international organizations.

So we are there, and we intend to stay. You might say: Well, Senator, you say you intend to stay, but you are the author of an amendment, which has been examined, I presume, by most of you, an amendment which said that our President has to certify—in connection with the \$2 billion supplemental, \$2 billion just for Kosovo—that the other nations are fulfilling their commitments and roles, whether it is police or dollars or legal infrastructure or housing or whatever it maybe. The reason being we in this country want to try and determine when our troops, together with the troops of the other 30-plus nations carrying out this mission, can relinquish the military role of peacekeeping and have it assumed by the United Nations, the EU, and other organizations.

Now, I must tell you that is not a step that was favored by our President. Indeed, he has communicated that to me, as have the Secretaries of State and Defense and the National Security Adviser. But by pure coincidence, the resolution that I drew up, with-

out a word change in it, was voted today in the House of Representatives. It was placed on that supplemental with the \$2 billion. It was a very close vote. Even though the President brought, as we say here, the full court press against it, it carried with 200 votes yea for it, 216 nay, a 16-vote margin.

It is my intention to raise the same amendment, although I am continuing to work with our President and his staff on the matter in the U.S. Senate. Now, I do not point that out as a threat. We wish to be in Kosovo and Bosnia, but we think when you take these missions on you have got to bring to bear in a timely manner the infrastructure that is necessary to achieve our goals.

Now, you are thinking about taking on missions in Sierra Leone and the Congo where human rights cry for relief, there is no doubt about that. But I ask of you rhetorically: Do you have the assets, do you have the commitment to take on those additional missions, when the Kosovo, Bosnia, East Timor missions are far from concluded? Do not take on more than you can do and do effectively.

To continue to get the support here in the United States, you have got to show positive results in bringing some of these things to conclusion in a timely manner.

I want to touch on Iraq. As we sit in this room exchanging our views, there are aviators flying from our Nation and Great Britain—France has stood down—taking risks of life. There are sailors trying to enforce the illegal trafficking of oil out of Iraq through the Persian Gulf. There are efforts to try and thwart that illegal transfer through pipelines.

Now, can we in clear conscience ask these young men and women taking these risks to continue unless we are bringing the full might and the full weight of this organization, and indeed the nations themselves, to enforce the resolutions of this distinguished body? They may not be wearing blue hats, but they are in every respect carrying out the goals that you laid down.

I may have a resolution on that situation not unlike the one that I have on Kosovo, because I am responsible for their lives, and the welfare of their families, and I must take such actions as I see fit, Mr. Chairman, to protect the men and women taking those risks today.

So I thank you very much. We are going to be a full partner, but from time to time persons like myself must express views which may not be well received. But I will say, I have been here, what, 23 years and I have almost consistently voted in support of the United Nations and I intend to continue to do that, Mr. Chairman.

Chairman HELMS. Thank you, Senator.

Senator Levin.



**STATEMENT OF HON. CARL S. LEVIN, U.S. SENATOR FROM  
MICHIGAN**

Senator LEVIN. Senator Helms, first let me thank you and Senator Biden for your leadership in bringing our guests here today. It is an extraordinary outpouring of world unity for improvement in the very important relationship between Congress and the United Nations.

Dick Holbrooke does a spectacular job at the United Nations. His willingness to come here to Washington to meet with the Congress really is a very important step, I believe, in promoting a much warmer relationship between the Congress and the United Nations.

I want to share a few thoughts with you as someone who generally has supported the United Nations and its peacekeeping operations. As Senator Warner said, I am the senior Democrat on the Armed Services Committee. So our responsibilities there are similar.

I applaud the fact that the Security Council has recently discussed the integration of humanitarian components into peacekeeping operations and the matter of disarmament, demobilization, and re-integration of ex-combatants in a peacekeeping environment. I applaud Secretary Annan's appointment of a distinguished international panel of experts to study U.N. peacekeeping operations and to make recommendations for their improvement.

I concur with the new chairman's initial comment that when peace operations are being ventured that state power, political will, and resources must be ensured until their completion.

We have learned some lessons, frequently some bitter lessons, from some peacekeeping experiences. I believe that we have learned that you, the Security Council, must pay closer attention to on-going peace operations, and to assist you in doing that the Secretary General—and I believe that Dick Holbrooke and others have been very supportive of this—are urging that your Department of Peacekeeping Operations be strengthened, given more staff, given more resources to do the planning and the oversight that you need to do your job effectively. I welcome the news that you are going to be sending a mission to Kosovo next month to review the situation there.

You must be realistic. Senator Warner made reference to a number of failures in the area of peacekeeping. I think we should learn from those failures. When it became clear that the Security Council had given the United Nations Protection Force, UNPROFOR, in Bosnia a mission that it was not equipped to carry out, one of two things should have happened. Either the appropriate resources

should have been provided the UNPROFOR or the mission should have been changed.

In Srebrenica and other places a mission was given to create safe havens, but the resources that were necessary to achieve that mission were not forthcoming, and the tragedy that occurred there and in other places resulted.

We saw something similar in Somalia. Senator Warner and I went to Somalia to see what had happened in the aftermath of the tragedy and the loss of 16 American soldiers. We found that the mission was not clear. Its purposes were not clear. We engaged in nation-building without dealing with the people who were in control of that nation, to the extent that there was a nation.

I hope that you will feel freer to use your media assets to ensure that member states provide the resources, both financial and the personnel, needed to get the peacekeeping missions done. We have now a situation in Kosovo where Bernard Kouchner is pleading for funds in order to provide the consolidated budget and the civilian police personnel. You have a press department which frequently gets word out about members who have paid their dues and assessments and those who have not. That is fine and that is appropriate. But it is also important that you get word out about the member states who routinely provide military troops, military observers, civilian police, and those that do not.

Right now we desperately need civilian police in Kosovo. We are using troops in Kosovo for a purpose that they are not trained; civilian police are trained for those missions. We have too many countries that have not carried out their commitments. We have other countries that have made no commitments to provide for the deployment of civilian police, so that the peacekeeping mission can be achieved.

I hope that you will find ways to redouble your efforts to get those police there. You are a unique body and you are visiting a unique legislative body. You have heard a lot about us. You know a lot about us. I think perhaps the most significant thing that I could say is this: The Congress has a unique role in foreign policy because we control the pursestrings. We also have oversight and other responsibilities. The control of the pursestrings gives us a special power and a special responsibility. That is true whether or not the same party is in control of the White House.

Finally, these checks and balances, which are built into the U.S. Government, mean that power is divided. They are there because of the distrust of power that resulted a Revolutionary War. It is ironic that the world's greatest power at the moment, the United States, is a country that is built on an inherent distrust of power.

It is a real fact of life in this Congress, with the division we have here. It is something we hope that you will come to understand, as we have, and to respect and to work with, as Dick Holbrooke does so brilliantly.

Thank you, Mr. Chairman.

Chairman HELMS. Thank you, Senator.

The distinguished Ambassador from Tunisia.

**STATEMENT OF HIS EXCELLENCY SAID BEN MUSTAPHA,  
PERMANENT REPRESENTATIVE OF TUNISIA**

Ambassador BEN MUSTAPHA. Thank you, Mr. Chairman.

Mr. Chairman, I was about to agree with the item one of the agenda relating to reform at the U.N. But as I see now that Senator Warner has already moved on to point two with his remarks, I will withhold and refer to our paper.

Thank you.

Chairman HELMS. Now, a gentleman whom I did not know not too long ago, and the more I found out about him the more I admired him. We have people in this world who do and people who do not. This guy is a doer. Ambassador Holbrooke.

**STATEMENT OF HON. RICHARD HOLBROOKE, U.S.  
REPRESENTATIVE TO THE UNITED NATIONS**

Ambassador HOLBROOKE: Thank you, Mr. Chairman.

Mr. Chairmen and other members of the committee. My deepest thanks to all of you for this extraordinary day that you have arranged for the members of the Security Council of the United Nations, who are here of course in their individual capacity, but thank you nonetheless for all of them.

My thanks especially to Ambassador Chowdhury and my other colleagues of the Security Council for coming here today in a very important second phase of an evolving dialog between the United Nations and our co-equal branch of government, as you so eloquently put it, Mr. Chairman, when you addressed us from the well of the Old Senate Chamber. I cannot tell you, as the one American representative here today, what a moving thing it was for me and my colleagues on the U.S. team to sit in those historic seats, which are normally closed to visitors, and listen to a senior American Senator speak to us from the same place where so much history took place.

I will not repeat what has already been said here today about the importance of this deepening and broadening dialog or the historic nature, to use the phrase several people have used, because I think

that speaks for itself. But I am deeply grateful to all of you, especially for the courtesy.

Before I talk about peacekeeping, I would like to say a word about reform, with the permission of you, Senator Helms and Senator Biden, because your names are attached now and forever to a piece of legislation which is, to put it mildly, controversial.

Reform is a very tough thing, as we all know. But I want to say to you and your colleagues on the committees, the Foreign Relations and Armed Services Committees, that all of us are trying, not just the United States delegation, which is under an absolute constitutional obligation to do so, and I told you under oath during my confirmation hearings that I was committed to seeking implementation of the Helms-Biden package, and I have tried to fulfil that commitment to you.

But I do want to say to you, on behalf of the other 14 nations in this room and almost all the other member states of the United Nations, that everyone is trying. Ambassador Fowler, Ambassador Andjaba, Ambassador Greenstock, and many other Ambassadors here have already expressed their reservations about some of the procedural aspects of this. But I hope that what was not lost in this part of the discussion is the fact that all of the Ambassadors in this room have told you, either here or when you met with them in New York, that reform is desirable.

Senator Grams correctly and skillfully quoted our Secretary General, Kofi Annan, as supporting reform. But it is tough, as it is in the Congress or the executive branch. I think progress is being made.

I cannot say today, Mr. Chairman, if we will succeed fully in achieving all your benchmarks. We have done about 80 percent of them already in the last 7 months, starting with getting the U.S. back on the ACABQ with the great assistance of Senator Grams, who was our first congressional visitor to New York, and with the support of the rest of you. But I cannot say today we will reach 100 percent on schedule. All I can tell you is we are trying, we think we are making progress, and we appreciate your continued support.

I will keep you informed, as I have before, on a regular and daily basis. I also thank you and so many of your colleagues for coming to New York or for planning to come in the near future.

Let me turn now to the peacekeeping issues that Senator Warner and Senator Levin have raised. Let me begin by saying that, despite all the other important things the United Nations does—the UNHCR, UNICEF, the specialized agencies, UNDP, our extraordinarily important efforts to combat AIDS in Africa—and we are deeply grateful, Mr. Chairman, to you, to Senator Smith sitting

here now to my right, to Senator Boxer, and to others for your dramatic new initiatives to increase the amount of money.

Despite the importance of all those other things, the U.N. is ultimately going to be judged on its ability in conflict prevention and conflict resolution. That is what Franklin Roosevelt and Winston Churchill had in mind. It is the core responsibility of the U.N. It is the one on which the U.N. is ultimately judged.

I believe that that record has been very mixed, and in the last 10 years since the end of the cold war we have already gone through two phases and we are already in a third. In the first phase the U.N. expanded its peacekeeping much too rapidly, bit off more than it could chew, and ran into three spectacular disasters in Rwanda, Somalia, and Bosnia, and then retreated very rapidly, from a high of 80,000 peacekeepers to a sixth or an eighth of that number.

Now, even in that period there were successes. Ambassador Andjaba has spoken eloquently in his previous meeting with you to the fact that the United Nations was a successful operation in Namibia, bringing a settlement to the problem and independence. That is also true of Mozambique. I think you can give the U.N. a qualified positive report card for Cambodia.

But still, this was a very bad period. The U.N. was then in full-scale retreat. We are now in a new peacekeeping era, Mr. Chairman, with four big ones—East Timor, Kosovo, Sierra Leone, and Congo. Although Sierra Leone has not been previously mentioned today, I want to stress it because it is a very dangerous operation.

Mr. Chairman, you and your colleagues have asked whether or not the Office of Peacekeeping of the U.N. is up to the job. Let me answer the question with a simple word: No. They are not. There is not one of us in the room who is happy with DPKO. The head of DPKO, Bernard Miyet, an outstanding international civil servant, does not think they are currently structured to do the job. The Secretary General does not.

They have 400 or less people, 200 professionals, to oversee—and they are essentially the UN's ministry of defense. It is not going to work at the current levels. When you talk about reform—several of you mentioned, Senator Grams, Ambassador Greenstock, the Secretary General's review of the peacekeeping office. That is a review we are all extremely interested in. We are conducting our independent efforts, many other countries here are. We are deeply concerned about their ability to manage this process.

Nonetheless, we are faced with the dilemma. If the U.N. is not going to do it, who is going to? In some cases, East Timor and Kosovo, the solution was very sophisticated. The U.N. voted to au-

thorize the operation in the case of East Timor, but it was not conducted by the U.N. It was conducted by an international force led by the Australians, who did a magnificent job, and supported by the Philippines, Thailand, Malaysia, the United States, the United Kingdom, and many other countries. For the first time in history, I believe—correct me if I am wrong, Ambassador Wang—China sent civilian police to participate in the operation, and I think that should be noted. They had had some medical workers in a previous operation, but the Chinese participation should be especially noted.

Now, in Kosovo the United Nations did not act until after NATO acted and then they in essence mandated what was already happening on the military side, backed up by a civilian operation. That was another model.

In Africa neither model is available in its purest form. So Sierra Leone and Congo posed us the most difficult problems. I want to thank all of the four Senators at the head of the table in the presence of my colleagues, because all four of the Senators at the head of the table have approved the United States' support of the peace-keeping operation in Congo and Sierra Leone. That is very important.

We do not yet have full approval from everyone on the appropriations side and we are very anxious to get that. Meanwhile, the DPKO, Mr. Chairman, is continuing its planning for the operation, with the possibility of deployment in July if the conditions are right. Of course, even before we make the final decision we need to unblock enough of the money so the planning can continue. There will not be American troops on the ground, as we have informed both your committees.

But I want to say again that these operations in Africa—and I am singling them out because we have elsewhere held very extensive hearings on Kosovo and Senator Warner and Senator Levin and their colleagues have been in extensive dialog with us on Kosovo. I want to say again how vitally important it is for all of us to support the U.N. and make it work in Africa.

This is going to be a tough one. But absent that, absent support for the U.N.'s efforts in the Congo, I think we will face a much worse situation. It is better to deal with the causes of a crisis than to deal with its consequences.

On that basis, Mr. Chairman, I thank you for your support.

Chairman HELMS. Thank you, sir.

Senator Smith, we will hear from you.

**STATEMENT OF HON. GORDON H. SMITH, U.S. SENATOR FROM  
OREGON**

Senator SMITH. Thank you. Mr. Chairman, I will be very brief. I am honored to join you as a member of your committee. I salute you, sir, and our ranking member Joe Biden for the efforts you have made to deepen the dialog between the U.S. Senate, Congress, and the United Nations.

Senator Warner referenced Teddy Roosevelt's comment that American foreign policy should be about speaking softly but carrying a big stick. I recently read a book called *In the Time of the Americans*, which is a history of American foreign policy in the 20th century. American foreign policy began in the last century with that as our doctrine. It was followed by the service of Woodrow Wilson, whose views were not about a big stick, but moral purposes in American foreign policy.

After the First World War, those two approaches really failed at the League of Nations and it took a second World War for military might and moral purpose to be joined together, as it has been magnificently done in the United Nations.

I know that there is great frustration in the United Nations because of arrears of the United States. I would simply say to our visitors, so much of the good that the United States does in the world does not show up on any U.N. ledger. There has been reciprocal frustration in the U.S. Senate as to the issue of reforms and the way a lot of the moral purposes, as we see them, are frustrated.

But these meetings are so valuable because we need the moral voice of the United Nations in the world and, when backed up by the military might of the United States and allies and people of like view, we form a union that forges such good in the world that we leave this planet a much better place.

I think what our leaders have done here today by bringing us together is adding significantly to a better chapter as we start this new century.

Thank you, Mr. Chairman.

Chairman HELMS. Thank you, Senator.

There is one final Senator. He is a remarkable individual. He is a heart surgeon who has done beaucoup heart transplants. Bill, I want you to say whatever you want to say to our friends.

**STATEMENT OF HON. BILL FRIST, U.S. SENATOR FROM  
TENNESSEE**

Senator FRIST. Mr. Chairman, thank you, and I will be brief. I know the hour is late and other people would like to speak. But

I also would like to extend my welcome to everybody here and hopefully later today and this evening we will be able to continue discussions on several issues.

I have had the wonderful opportunity of chairing the Subcommittee on African Affairs and just very briefly I want to speak to the concern that we all have about the prospects of long-term peace in the Democratic Republic of Congo and all of central Africa. Clearly the stability of that region affects the interests of the United States of America and failure to seize every opportunity to enhance the possibility for the resolution of conflict there would really be disastrous.

I support the essence of the peacekeeping resolution that our colleagues have put forward. Yet many in this body are deeply concerned about the proposed expansion of the United Nations in the sense that it lacks some of the necessary elements, not because it is in Africa, but because of the less conducive atmosphere, in part safety, at this point in time.

I wanted to express my own support for that ongoing dialog because I think that dialog will be important in this body and in the United States for there to be really effective leadership by the United States, by the United Nations, in working with Africa. And I look forward to continuing to pursue this cooperation with others in this room.

Second, I want to mention again—I do not think it is an issue that we need to spend a lot of time on today, but I think it is important for our colleagues to understand in this body in particular, as represented by the Foreign Relations Committee and by the Budget Committee is the interest in AIDS-HIV positivity in Africa.

As the chairman mentioned, I am a physician. I am interested in public health. But I think it is very important again for everyone to recognize that when it comes to AIDS, when it comes to HIV positivity, all of our interests in terms of policy can be destroyed, can be undermined, if we do not adequately address this trend that is increasingly terrifying of AIDS and the increase of AIDS in Africa.

In closing, let me just say that we have made real strides on the Foreign Relations Committee. Just last week we in a bipartisan way with a number of members on the committee, both sides of the aisle, added an amendment which greatly increases the authorization for supporting this war against AIDS. In fact, we doubled what the President of the United States had initially requested.

I say that only because it notes the high priority that this Congress places on combatting AIDS worldwide and particularly in Africa. Just about 4 hours ago the Budget Committee of the United



States, where we finalize the budget for all spending in the U.S. Senate, we established in the budget resolution that combatting AIDS worldwide must be a high priority of the United States foreign policy. That linkage between foreign policy and combatting AIDS is one that we understand and look forward to participating with others of you in.

Thank you, Mr. Chairman.

Chairman HELMS. Thank you, Senator.

Senator Warner.

Chairman WARNER. I just handed the chairman a note which was handed to me. An hour ago Secretary of Defense Cohen, because of the critical conditions in Kosovo, sent in two new U.S. units, one a surveillance group from Germany and the other a tank company out of Macedonia with tanks and artillery. So they may not have blue hats, but they are there and they are to be counted in the support of this mission.

A serious situation over there, my good friends. We have got to address it.

Chairman HELMS. Senator, we have a series of distinguished Ambassadors who have a few words that they want to say. The distinguished Ambassador from Jamaica. Where are you today? There you are. You may proceed.

**STATEMENT OF HER EXCELLENCY MIGNONETTE PATRICIA  
DURRANT, PERMANENT REPRESENTATIVE OF JAMAICA**

Ambassador DURRANT. I wanted to join all those who have spoken in thanking you for the very warm hospitality extended to us by you and the members of the Senate Foreign Relations Committee and to say how much we appreciate the interest that members of this committee have taken in improving relations between the United Nations and the United States, because we believe—and it has clearly been expressed by all of our colleagues—that we all have an interest in ensuring a more effective United Nations.

I hope you do not mind if I just make a few comments on the reform situation, because others have pointed to the fact that reform is an important part of what we are doing at the United Nations; but we agree that much still needs to be done. And others have pointed to the fact that, as Senator Frist just mentioned, the question of infectious diseases such as AIDS, which know no boundaries, improvement in the status of women; issues relating to the environment and relating to peacekeeping; the question of the proliferation of small arms in conflict areas, are issues which we all have to address.

I mention this because we now have to deal with a very different situation from the past when we dealt with more traditional forms of peacekeeping. We are dealing with very complex conflicts. As Senator Warner mentioned, the situation is completely different in places like Kosovo than when we were talking about traditional peacekeeping between countries that have already agreed on a truce.

But these complex conflicts and situations are the nature of the conflicts that we have to address, and if we do not address them they will cross borders and they will affect all our countries and they will drag us into a much wider situation.

In this regard, I wanted to mention the question of the situation in the Democratic Republic of the Congo, which is a conflict which is spreading across borders, which brings in all countries around the borders of that country. And if we do not address that situation, deal with the situation of civilians caught in conflict, of children in conflict, deal with humanitarian emergencies, which in truth and in fact are draining resources away from what we would have spent on traditional development assistance—we will not be able to address the root causes of conflict.

So we cannot deal with reform on the one hand, with development on the other, and with peacekeeping. We have to look at it as part of one complete whole. I hope that out of these discussions that we have today we will come to the conclusion that what we have to do is address all of these situations in a cooperative manner and arrive at solutions which will have the widespread support of the entire membership of the United Nations.

Mr. Chairman, in closing I just want to recognize the tremendous contribution which the United States has made over the years, not only in peacekeeping but to all avenues and all operations of the United Nations across the world, and to thank Ambassador Holbrooke for the dynamism that he has brought to our work over the last few months, particularly in January when you visited us and began this dialog, which I know will stand all of us in good stead.

Thank you, Mr. Chairman.

Chairman HELMS. Thank you very much.

The senior Ambassador of the Russian Federation, Ambassador Lavrov.

**STATEMENT OF HIS EXCELLENCY SERGEY V. LAVROV, PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION**

Ambassador LAVROV. Thank you, Mr. Chairman. Thank you for your hospitality.

Of course, we are all here in our individual capacities and because this is not the kind of hearing, if only because I find it difficult to hear sometimes, but we would like to stress that we also value this opportunity to continue the dialog with you and your colleagues from the Senate on how we all as individuals, but some of us are influential individuals, how we can improve relations between the United States and the United Nations.

I thank Chairman Warner for his presentation and I think it is good for the Pentagon that \$300 billion has been authorized, and I also think that it is good for the world because we need the United States in operations like Kosovo. I am glad that, as Chairman Warner informed us, Secretary Cohen decided to increase the American presence there in a very serious situation and in view of the need to stop the crisis from deteriorating and to come back to the implementation of the resolution of the Security Council in full. So I believe it is good news.

On the other hand, it is unfortunate that the United Nations still cannot get \$1.5 billion, which is much less than \$300 billion, unfortunate because, among other things, if not from international obligations about which my colleagues spoke, about some other things.

The bulk of this money is owed exactly to contributing nations, to contributing nations for former peacekeeping operations. When Chairman Warner asks whether we all are sure when we decide on peacekeeping operations if the United Nations has resources for those operations, to a large extent the answer is—I mean, the question is rather hypothetical and maybe even artificial, because when we take our decisions on the peacekeeping operations countries just send their troops and they pay for these troops. And it is only after that these contributing nations are being compensated.

Therefore, the problem of arrears, about which we spoke in the last hour, has also relevance to the ability of the United Nations to attract contributors.

The second important factor answering the question about whether the U.N. has enough resources is the political will, nothing else, the political will. And that is the only thing which is necessary to take a decision on a peacekeeping operation, provided of course we are given information, analysis, and such from the Secretariat. When political will is present, everything is fine.

And the U.S. can always very successfully make a very serious difference, like it was in the case of Haiti, when the U.S. was not only playing the leading role, but pushing for the continuation of a large peacekeeping operation which had the military component much bigger than the one for the Democratic Republic of the

Congo, much larger than what we authorized for the Democratic Republic of the Congo.

So my answer on the question of whether we know if we have the resources for peacekeeping operations is, yes, I think we do have the resources provided we have the political will.

Last, I would like to say that the financial problems of the United Nations are relevant for its peacekeeping capacity. Of course we would like, together with many of us, to support DPKO and to strengthen DPKO. But I do not think it would be possible to do this by cutting other departments. Maybe I myself would want to do so, but I do not think that we are going to get a consensus in just increasing the DPKO without—I mean, increasing DPKO without increasing the overall U.N. budget. We have to be very, very much aware of all this.

And since this is something which exists in financial matters in the General Assembly, and the General Assembly, by the way, is very much the model like the Senate of the United States—it is based on the concept of sovereign equality of states. The only difference is that your States are part of the United States and in our case the states are members of the United Nations.

But unlike the Senate, the General Assembly on financial issues does not vote. So you need to have that consensus. Therefore I think we need all to work on this consensus, but this would involve certain concessions on all parts, including on the part of the United States.

But we are ready to work toward this end, and I once again thank you and your colleagues for your hospitality.

Chairman HELMS. Thank you, sir.

The distinguished Ambassador from France.

**STATEMENT OF HIS EXCELLENCY JEAN-DAVID LEVITTE,  
PERMANENT REPRESENTATIVE OF FRANCE**

Ambassador LEVITTE. Thank you, Mr. Chairman, for this golden opportunity to build a really positive and constructive relationship between the U.S. and the U.N. And thank you for sending to New York the best American Ambassador.

Two comments, one on Kosovo. Senator Warner mentioned rightly Kosovo as a big problem. Senator, we worked together during this difficult period of the war. Let us stay together to build or try to build peace. It will be difficult. It will take time. But I hope it will be recognized that the Europeans are doing their part of the job.

Today we have over 36,000 troops in Kosovo. This represents 78 percent of the total amount of troops. We have announced recently

that France will send another battalion to reinforce the most difficult part, that is the region of Mitrovica.

In terms of spending, the European Union countries will put between 1999 and year 2000 over \$8 billion in Kosovo, out of which \$5 billion is for military expenditure and the rest for humanitarian aid and reconstruction.

So we are doing our part of the job. Maybe we are too slow, but we will do our best to capture and do our part of the job.

Now, my second remark, Mr. Chairman, is about peacekeeping operations, are we planning too many of them? Well, I put the question the other way around. Is it morally possible to say no to populations which are desperately in need of help, help to build peace, to have development? This is the situation in Sierra Leone. This is the situation in the Democratic Republic of the Congo. The situation in Central Africa is such that if we do not act now, tomorrow or the day after tomorrow we will have to act and it will be even more difficult and more costly.

So let us do it now. But of course we have to be cautious. We have to organize ourselves in a better way, and we all agree on that. You want reforms, we want reforms. Let us do them together.

Thank you, Mr. Chairman.

Chairman HELMS. Thank you, Mr. Ambassador.

Any comments?

Chairman WARNER. No.

Chairman HELMS. Senator?

Senator BIDEN. No.

Chairman HELMS. The last one on the list here is the distinguished Ambassador from Malaysia.

**STATEMENT OF HIS EXCELLENCY AGAM HASMY, PERMANENT REPRESENTATIVE OF MALAYSIA**

Ambassador HASMY. Thank you, Mr. Chairman. Thank you for recognizing me sitting in the corner of this long table.

I wanted to also join my colleagues in talking about the reform of the U.N. But since the subject has been adequately addressed, I will not. I would merely associate myself with what they have said.

I had actually some facts and figures I wanted to discuss with you on another aspect of U.N.-U.S. relations. That is as to whether or not the U.S. benefits from the existence of the U.N. But I think I will save it for another occasion because it would take some time. The figures have been bandied around, as you know. Others have

read about them, too. I am not sure that I will be able to do a complete job today.

But we feel that on balance the U.S., in spite of its large contribution, has derived tremendous benefits from the U.N. system, much more than some other countries. But I will leave that for another occasion.

As to the dialog, I am inclined to believe that it is doing well and I think the success of these dialog processes is reflected by your own remark to me during lunch as we were leaving, when you said: You have to invite me back to New York. So that proves that there is hope that this dialog, contrary to skepticism expressed in some quarters, may be helpful in the long run. I look forward to joining my colleagues to welcome you back should you be prepared to do so.

Now, on the question of peacekeeping, which is the subject of the second session, I would like to also refer to the statement by Senator Warner when he asked the question, when he raised the point that we should not take on more than we can handle. I think that Ambassador Jean-David Levitte has already addressed that issue.

It is a good principle to follow, but the problem is, as he (Ambassador Levitte) said, what do you do when you have more and more conflict situations around us? And we feel here that the U.S., acting in concert with other member states in the United Nations, can do much more than acting singly if and when you have to do it yourselves. So I think if you look at history, your best contribution to the U.N. system has been when you acted in concert with the U.N. community rather than, I think, alone. With the U.N. you have the legitimacy, you have the support, moral, material, and so on.

So we are going through a period of more and more conflicts, some of a different nature from previously. You have intrastate conflicts which sometimes turn into interstate conflicts. The DRC is a case in point. Here I think the other members of the Council and the membership of the U.N. look forward to the leadership of the United States on this. We would like to see the United States become even more engaged, more actively engaged in this process because, as Ambassador Levitte said, if we do not fix it now things will get worse in the long term.

So that is the dilemma we are in. So it is important therefore that on, for instance, the question of the DRC, many members of the Council look forward to a more proactive engagement of the United States on this issue. It is a difficult problem. Many people have to play significant roles before we can mount a major operation.

But that country is burning. We tried to fix it some years ago. It did not quite work. So I think this time around we will have to fix it again. We will have to do a better job than what we did before. And this is where I think that this particular role of the United States would be very much desired.

Thank you very much.

Chairman HELMS. Thank you, sir.

The only gentleman we have not heard from, we would like to hear from you, Mr. Ambassador.

**STATEMENT OF HIS EXCELLENCY ARNOLDO M. LISTRE,  
PERMANENT REPRESENTATIVE OF ARGENTINA**

Ambassador LISTRE. Thank you, Mr. Chairman.

First of all, allow me to join my colleagues in thanking you and Senator Biden and all your colleagues for this invitation that is so appropriate and so opportune in order to exchange views on this very important subject.

I will be very brief. Many of the things that have been said already express my opinion, in particular what Ambassador van Walsum said relating to the Helms-Biden amendment. Argentina is not very happy with the amendment but very happy with you personally. Would you amend your amendment?

Senator BIDEN. Well said, Mr. Ambassador.

Chairman HELMS. You sound like my wife. [Laughter.]

Ambassador LISTRE. We really think that, it is obvious, that many countries are not satisfied with the scale of assessment in the United Nations and it is a matter which has to be dealt with in the General Assembly. It is not a matter for the Security Council. Perhaps we could try to compromise. And it is a thing that is possible to try to get compromise, a realistic compromise, in this regard, bearing in mind that the principle of the capacity to pay should be always respected by everybody. We should also bear in mind that there are going to be some countries, like many Latin American countries, that are the ones that are going to be more damaged with any new scale of assessment that it is not fully based on the capacity to pay. I think of my own country that will be the most damaged of all, but also I mean Brazil, Mexico, Chile, Colombia and others.

In spite of this, I think that we should reach a compromise on this issue based on the idea of strengthening the United Nations, especially the peacekeeping operations. The United Nations has its shortcomings, but despite all the problems it is facing, it is the only organization that can deal effectively with some of these issues. It is the only organization that can deal with peacekeeping and all

the problems we face, as Ambassador Holbrooke so eloquently pointed out.

So we think that it is extremely important that the U.S. commits itself to the United Nations as every member state commits itself as well. This, because the United States is the most important country in the world. It is the most important contributor; not only how they pay, but the spirit with which they pay their contribution is very, very important to strengthen the organization.

We look forward to working with you, sir, with your delegates, with your head of delegation, our great friend Richard Holbrooke. We look forward to a new direction, and I hope that the next time we meet we will have something pleasant to tell.

Chairman HELMS. Senator Biden.

Senator BIDEN. Mr. Chairman, let me conclude what I have to say by making four points. One, to thank you for taking this initiative. I think that the opportunity for these gentlemen to be exposed to your charm, notwithstanding your taking positions on the U.N. in the past, has been very helpful.

Chairman HELMS. In the past.

Senator BIDEN. In the past, in the past.

Second, I discern two things. There seems to be a consensus around the table. One, you understandably do not like what we did, but you know what we did would have to be done even if we did not do it, but you would rather us not have done it. I share your view. I do not think it was the way we should have gone about it.

But the thing that I find encouraging is the spirit with which each of you have spoken. I particularly was impressed by the Ambassador from Argentina who just basically said—I do not know that his principals back in Argentina heard him say it, but—we will pay more if we have to, but we do not want to.

But I am confident that if this spirit can be maintained, and I am sure it will be with the leadership of Ambassador Holbrooke, we can work our way through a lot of these things. At least I sincerely hope we can, because I think that you are the essential institution to the existence of the world today. You are the essential institution.

I happen to share the view that we need you as much as you so gracefully have stated that you need us. One of the things the American people are somewhat ambivalent about is we are not very comfortable in the role of being the world's only superpower. As someone said to me when I mentioned that today—I will not mention the Ambassador's name—he said: You would be even more uncomfortable if you were not the world's superpower. [Laughter.]



Well, probably correct. But nonetheless, I appreciate you being so solicitous to our particular concerns. It is actually remarkable that your countries would authorize you to come here today before a committee of the U.S. Senate and be as accommodating and candid as you have been. I just want you to know we are flattered by it. We do not expect it. We do not believe you have an obligation to be here. We do not think that this is something that we—I hope you do not view it as any way, I do not think you do, that we have in any way indirectly summoned you. We do not view it that way at all. We are truly flattered by the fact that you would be here.

I want to particularly say to our friend from China, I was particularly struck by your forthright statement, and I want you to know I share, mutually share your view, that your country and ours, the formation and the maturation of that relationship is among the most important things that either of us will do in our lifetime is impacted on that.

So I just want to tell you that I truly appreciate you being willing, to use an American colloquial phrase, to be engaged in our intramural dispute here and be involved with us.

The only thing that I regret that all of you did today, I regret the fact that you paid such homage and respect to Holbrooke. He is difficult enough to deal with absent all of you telling us how important he is, and now he will be insufferable. [Laughter.]

He is I think the most talented diplomat we have. I hate like hell the fact that he knows it. I hate like hell the fact that you acknowledge it.

But short of that, I have nothing to say but thank you very, very much for giving us the privilege, the privilege of being able to host you.

Thank you, Mr. Chairman.

Chairman HELMS. Do you want to respond to that?

Ambassador HOLBROOKE. No, Mr. Chairman.

Chairman HELMS. Is that your final answer? [Laughter.]

Ambassador HOLBROOKE. Yes.

Chairman HELMS. We have a request from Ambassador Ouane and I am going to give him the floor, the distinguished Ambassador from Mali. Pull the microphone close to you so we can hear you.

Ambassador OUANE. OK. Thank you, Mr. Chairman.

I am sorry to take the floor again, but the issue of peacekeeping is very important for us and we would like to make a comment on it. I appreciate the chance to have a discussion on peacekeeping today, especially because my region, Africa, is one of those most in need.

My country Mali is small, but we have contributed what we can: peacekeepers, diplomats. Now we need your help, especially in Sierra Leone, in the Democratic Republic of the Congo. We Africans must keep those processes moving forward. But we need your help.

In particular, I hope you will be able to make your full contributions to the U.N. missions in Sierra Leone and in the Democratic Republic of the Congo. If you do your part, we will do ours.

Thank you very much, Mr. Chairman.

Chairman HELMS. Thank you very much.

Now we have a request from somebody in the media wanting a graduation picture—excuse me. Yes, sir.

Ambassador FOWLER. Thank you very much, Mr. Chairman. I just wonder. With the vagaries of the alphabet I take over as chairman of the Security Council in all too few hours, and I wonder if I could perhaps ask you, Mr. Chairman, and the Senator of the United States if they might make a technical contribution to the efficiency of the United Nations by offering us this gizmo here. [Laughter.]

If you could perhaps loan us such a machine in the Security Council, it might significantly streamline and render more effective our deliberations.

Senator LEVIN. Would it be worth a billion dollars to you? [Laughter.]

Chairman HELMS. My arm is sore because I have held this gavel. We are adjourned.

[Whereupon, at 4:25 p.m., the roundtable was adjourned.]

